LES TERMES DE LA LEY:

OR,

Certain difficult and obſcure WORDS and TERMS of the COMMON and STATUTE LAWS of this Realm, now in Uſe, expounded and explained, in *French* and *Engliſh* in oppoſite Columns.

Written Originally by WILLIAM RASTALL, a moſt learned Juſtice of the Court of *Common Pleas*, as mention'd by Sir EDW. COKE in the Preface to his 10th. *Report*.

6. 1508. d. 1565.

Corrected and Enlarged, with the Addition of many other Words; particularly of thoſe that have been lately introduced into the Statute Law of *Great Britain*.

Multa renaſcenter quæ jam cecidere, cadentque
Que nunc ſunt in honore vocabula, ſi volet uſus.
Hor.

In the *SAVOY*:

Printed by H. LINTOT (Aſſignee of *Edward Sayer*, Eſq;) and are to be ſold by J. WORRALL at the *Dove* in *Bell-Yard*, near *Lincoln's-Inn*. MDCCXLII.

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THE PREFACE.

I *Shall not trouble the Reader with a large Account of the Uſefulneſs, and even Neceſſity of this Book: The ſeveral Impreſſions it hath undergone, are a ſufficient Evidence of its Worth. However, farther to improve its Reputation, it again appears in Publick, with the Addition of a great many* New Terms *explained, with ſeveral Alterations and Amendments, never before publiſhed; the whole digeſted in an Alphabetical Method: And that nothing might be wanting to render it abſolutely Compleat and Perfect, great Care hath been taken, not only to amend the* Errata *in the former Editions, but alſo to prevent any thing of the like Kind in this.*

Tho' no Author's Name has hitherto appear'd in the Title-Page of this Book, yet Sir Edward Coke, *in the Preface to his* 10th Report, *aſcribes it to* William Raſtal, *a moſt learned Juſtice of the Court of Common Pleas in the Reign of Queen* Mary; *who left the Kingdom upon her Siſter's Acceſſion to the Throne, (being, ſays the Biſhop of* Carliſle, *as zealous a* Romaniſt, *as his Uncle Sir* Thomas More,) *and died at* Louvain.

That

The PREFACE.

That Reverend Prelate, ſpeaking of this Book, gives it the Character of an uſeful Explication of the Terms of Art in our Engliſh *Law-Books, and a Work well eſteemed by the Profeſſors and Students in that Faculty. That it was written originally in* French *only, ſeems almoſt paſt a Doubt; but how, or when, or by whom the* Engliſh *was added, I no where find: 'Tis probable too that it has been much enlarged ſince the Firſt Edition: The Prefacer to That which was publiſh'd in* 1667, *who writes himſelf* T. B. *of the* Inner-Temple, *tells us that he added above One hundred Words with Explications, and made References to others where needful: That he corrected the whole Work in what he found amiſs, retrench'd ſome antiquated and tautological Expreſſions, and added to ſome old Words ſuch late Statutes as alter'd, or any Ways related to the Law eſtabliſh'd by them.*

This Impreſſion has been carefully compared with, and corrected by ſeveral of the Former; and the Additions made to it, conſiſt chiefly of ſuch Words and their Explications, as ſince the late Union of the two Kingdoms have been neceſſarily introduced into the Statute-Law of Great Britain; *and being thereby in a Manner naturaliz'd, and adopted into our Mother Tongue, they are become a Part of it: For which Reaſon it was requiſite to the Perfection of this Book, to give an Explication of them.*

TERMS OF THE LAW EXPOUNDED.

Abate.

ABate ſeems to come from the French Abbatre, i. e. to deſtroy or defeat utterly, and has ſeveral Significations: As, to Abate a Caſtle or Fortler (Old Natura brev. fo. 45.) which (in Weſtm. 1. cap. 17) is interpreted to beat down. And to abate a Writ, is to defeat or overthrow it, by ſome Error or Exception. Britton, cap. 48. And he that ſteps in between the former Poſſeſſor and his Heir, is ſaid to abate in the Lands. See Abatement.

Abatement of a Writ or Plaint.

ABatement of a Writ or Plaint is, when an Action is brought by Writ or Plaint, wherein is Want of ſufficient and good Matter, or elſe the Matter alledged is not certainly ſet down, or if the Plaintiff or Defendant or Place are miſ-

Abate.

ABate ſemble de vener del François *Abbatre*, i. e. *reſcindere*, *deſtruere*, & ad pluſieurs ſignifications: Come, *abater un Chaſteau ou Fortlet.* (*Vet. Nat. br. fo* 45.) que (en *Weſtm.* 1. c. 17.) eſt enterprete to beat down. Et, *abater un brief* eſt pur le defaire ou renverſer, per aſcun Erreur, ou Exception. *Britton, ca.* 48. Et luy que s'enterpoſe enter le prior poſſeſſeur & ſon Heir, eſt dit *abater en les Terres.* Veies *Abatement.*

Abatement de Brief ou Plaint.

ABatement de Brief ou Plaint eſt, quand un Action eſt port per Brief ou Plaint, en que fault ſufficient & bon matter, ou auterment le matter alledge n'eſt certainment alledge, ou ſi le Plaintiff, ou Defendant, ou Lieu ſont miſ-

noſme, ou ſi la appear variance perenter le Brief & le Specialty ou Record, ou que le Brief ou Declaration ſont uncertain, ou pur mort del Plaintiff ou Defendant, ou pur divers auters ſemblable cauſes; donques ſur ceux defaults le Defendant poit prier que le Brief ou Plaint *abatera*, c'eſt a dire, que le Suit del Plaintiff envers luy ceſſera pur ceſt temps, & que il commencera auter temps ſon Suit, & port un novel Brief ou Plaint, ſil ſoit iſſint diſpoſe. Mes ſi le Defendant en aſcun Action plede un matter en Bar pur adnuller le Action a touts jours, il ne viendra apres a pleader en Abatement de Brief; mes ſi apres il appiert in le Record, que eſt aſcun matter apparant pur que le Brief doit eſtre abate, donque le Defendant ou aſcun auter perſon, *ut amicus Curiæ*, poiet bien plede & monſtre ceo in Arreſt de judgment.

Abatement del Brief poet eſtre per act de Dieu, per act des Parties, per act del Ley, per act del Eſtranger, ou per act del Court.

Veies les titles de *Brief*, *Miſnoſmer* & *Variance*, en les *Abridgements*, & le Livre appel *Les Digeſts del Briefs*, en queux ceſt matter eſpecialment eſt fort bien entrait,

Sont auxi auters matters queux abate & ſtay actions & Briefs, ceſtaſcavoir, Variance ent' Brief & Count.

Si le Plaintiff ſoit alien Enemy. (*Titulo Alien*)

Pur default de noſme le Defendant, de quel Ville, ou Trade, ou Degree il eſt, ou le Suit eſt per Brief.

named, or if there appear Variance between the Writ and the Specialty or Record, or that the Writ or the Declaration be uncertain, or for Death of the Plaintiff or Defendant, and for divers other like Cauſes; then upon thoſe Defaults the Defendant may pray that the Writ or Plaint may abate, that is to ſay, that the Plaintiff's Suit againſt him may ceaſe for that Time, and that he ſhall begin again his Suit, and bring a new Writ or Plaint, if he be ſo diſpoſed. But if the Defendant in any Action plead a Matter in Bar to annul the Action for ever, he ſhall not come afterwards to plead in Abatement of the Writ; but if after it appear in the Record, that there is ſome Matter apparent for which the Writ ought to be abated, then the Defendant, or any other Perſon, as a Friend to the Court, may well plead and ſhew it in Arreſt of Judgement.

Abatement of the Writ may be by the Act of God, by the Act of the Parties, by the Act of the Law, by the Act of a Stranger, or by the Act of the Court.

See the Titles of Writ, Miſnoſmer and Variance in the Abridgments, and the Book called The Digeſts of Writs, in which this Matter eſpecially is very well handled.

There are alſo other Matters which abate and ſtay Actions & Writs, that is to ſay, Variance between the Writ and the Count.

If the Plaintiff be an Alien Enemy. [See Tit. Alien.]

For want of naming the Defendant, of what Town, Trade, or Degree he is, where the Suit is by Writ.

That

That a Woman Plaintiff is married before, or hanging the Suit.

That the Plaintiff hath another Action depending for the same Cause.

That the Writ is dated before the Action accrued.

For that the Defendant ought to be sued in another Court of which he is an Attorney or Officer.

For that the Land is ancient Demesne.

For that the Matter in Suit was done upon the high Sea, in which Case the Admiral hath Jurisdiction.

These Causes underneath do not abate the Writ or Action, but suspend the Prosecution for a Time.

If the Plaintiff in Action personal be outlawed, or convicted of Recusancy, or excommunicated.

Upon a Scire facias against tertenants for Debt, Plea that there are other Tenants which hold Lands liable to the same Debt, which are not returned, doth stay the Proceedings until they be also returned.

Que le Femme Plaintiff est covert devant, ou pendant la Suit.

Que le Plaintiff ad auter Action pendant pur mesme le cause.

Que le Brief est date devant le Action accrue.

Pur ceo que le Defendant doit estre sue en auter Court, de quel il est Attorny ou Officer.

Pur ceo que la ter' est ancient demesne.

Que le matt' en Suit fuit fait sur le haut mere, en quel case l'Admiral ad Jurisdiction.

Ceux causes suisdits n'abate le Brief ou Action, mes suspend le prosecution pur temps.

Si le Plaintiff en Action personel soit utlage, ou convict de Recusancy, ou excommenge.

Sur *Scire facias* versus tertenants pur debt, plea que sont auters Tenants queux ont terres liable a mesme le debt, queux ne sont return, stay proceeding tanque sont auxi return.

Causes de Abatement de Brief ou Plaint.

- Fault de sufficient ou bone matter.
- Le matter n'est certainment alledge.
- Plaintiff, Defendant, ou Lieu. } misnosme.
- Variance enter { Brief, & Specialty, ou Record.
- Uncertainty del { Brief, & Count, ou Declaration.
- Mort del { Plaintiff, ou Defendant.

Abatement en Terres.

Abatement en Terres ou Tenements eſt quand un home moruſt ſeiſie de ter ou Tenements, & un que nad droit entra en meſmes devant le Heir; ceſt Entry de lui eſt appel un *Abatement*, & il un *Abator*. Mes ſi le Heir enter primes apres le mort de ſon Anceſtor, & le auter enter ſur le poſſeſſion del Heir, ceſt dernier entry eſt un deſſeiſin al Heir. Vide livre de *Entries*, *fo.* 63. *c.* & 205. *d.* & 519. *c.* lou ceſt Abatement eſt appel en Latin *Intruſio*. Et jeo entend d'eſtre melius d'appel ceo en Latin *interpoſitio*, ou *Intratio per interpoſitionem*, de faire difference enter ceo parol, & *Intruſion* puis le mort de le Tenant pur vie. Veies *Co. Lit.* 277. a.

Abatement in Lands.

Abatement in Lands or Tenements is, when a Man dies ſeiſed of Lands or Tenements, and one that hath no Right enters into the ſame before the Heir; this Entry is called an Abatement, and he an Abator. But if the Heir enter firſt after the Death of his Anceſtor, and the other enter upon the Poſſeſſion of the Heir, this laſt Entry is a Deſſeiſin to the Heir. Look in the Book of Entries fo. 63. c. & 205. d. & 519. c. where this Word Abatement is called in Latin Intruſio. And I think it better to call it in Latin Interpoſitio, or Intratio per Interpoſitionem, to make a Difference between this Word and Intruſion after the Death of the Tenant for Life. See Co. Lit. 277. a.

Abbe.

Abbe fuit le Sovereign Teſte ou Principal de ceux Meaſons queux quant ils eſtoient fueront appel Abbeys; & ceſt Abbe ove les Moigns de meſme le Meaſon, queux fueront appel le Covent, fieront un Corporat'. Et tiel Sovereign de aſcun tiel Meaſon ne ſerra charge pur le act de ſon Predeceſſor, ſil ne ſoit per common Seal, ne pur tiel choſe que vient al uſe de ſon Meaſon. Auxy un Abbe ne ſerra charge pur le det en que ſon Commoign fuit endet devant ſon entre en Religion, coment le Creditor ad de ceo un eſpecialty, ſi non que il avoit devenus al uſe de ſon Meaſon: mes les Executors del Commoign ſerront charge ove ceo.

Abbot.

Abbot was the ſovereign Head or Chief of thoſe Houſes which when they ſtood were called Abbeys; and this Abbot with the Monks of the ſame Houſe, who were called the Convent, made a Corporation. Such a Sovereign of any ſuch Houſe ſhall not be charged by the Act of his Predeceſſor, if it be not by Common Seal, nor for ſuch Things which come to the Uſe of his Houſe. And an Abbot ſhall not be charged for the Debt of his Monk before his entry in Religion, though the Creditor have an eſpecialty thereof, except it have come to the Uſe of his Houſe: But the Executors of the Monk ſhall be charged therewith.

Look

Look for this in the Abridgments, the ſame Title, under which you ſhall ſee that ſome of them were elective, ſome preſentative; and how they were made Governours, and their Authority. And in this Title are alſo comprehended all other Corporations Spiritual, as Prior and his Covent, Friers and Canons, Dean and Chapter.

Abbrochment.

ABbrochment in Latin Abbrocamentum) is a Foreſtalling of a Market or Fair, by buying up the Wares before they are expoſed to Sale there; and then ſelling them again by Retail.

Abbuttals.

ABbuttals ſeems to come from the French Abutter, i. e. the Buttings or Boundings of Lands, ſhewing to what other Lands, High ways, or Places they belong, or are abbutting.

To Abdicate.

TO Abdicate is to renounce or refuſe.

Abdication.

ABdication is a diſinheriting, or rather a voluntary Act of renouncing, diſowning, &c. As when a Perſon does Things, that are altogether inconſiſtent with the Nature of his Truſt, he does in Effect renounce it; which not long ago was the Caſe of an unfortunate Prince.

Abettors.

ABettors are in divers Caſes diverſly taken. One kind of Abettors are they that maliciouſly, without juſt cauſe

Vide pur ceo en le *Abridgments*, meſme title, deſouth quel veies coment aſcuns de ceux fueront elective, aſcuns preſentative; & come nt fueront fait Prefects, & lour authority. Et en cel title ſont auxy comprehend toutes auters Corporations Spiritual, come Prior & ſon Covent, Friers & Canons, Dean & Chapter.

Abbrochment.

ABbrochment (en Latine *Abbrocamentum*) eſt un Foreſtalling d'un Market ou Fair per achapt des Wares, devant que eux ſont expoſe al Sale la, & donques eux vendant arrere per Retale.

Abbuttals.

A *Bbuttals* ſemble de vener del François *Abutter*, i. e. les Buttings ou Boundings des Terres, declarant al queux autres terres, chemins ou auters lieus ils appartienont, ou ſont abuttant.

Abdicare.

A *Bdicare* eſt a renouncer ou refuſer.

Abdication.

A *Bdication* eſt un diſinheriting, ou pluis toſt un volontaire Renouncing, Diſowning, &c. come quand un home fait des choſes que ſont *omnino* inconſiſtent avec la Nature de ſon Truſt, il en effet renounce a ceo; que n'ad agueres fuit le Caſe d'un Prince malheureux.

Abettors.

A *Bettors* ſont in divers caſes diverſement priſe. Un kind de abettors ſont ceux que maliciouſment, ſans droit cauſe

ou deſert, procur' aut' de ſuet faux Appeals de Murder ou Felony envers homes, al entent de trouble & griever eux, & pur fair eux en infamy & ſlander. Abettors en Murd' ſont ceux q; command, procur', counſel, ou comfort aut' de Murder. Et en aſcun caſe tiel Abettors ſerront priſe come Principals, & en aſcun caſe forſeque come Acceſſories: Iſſint en autre Felonies. Et lour preſence a le choſe fait, & lour abſence de la, fait un difference en le caſe. Il y ad Abettors auxy en Treaſon, mes ils ſont come Principals, car en Treaſon il ny ad aſcun Acceſſories,

Veies pluis de ceo en le Livre appelle *Les Pleas del Corone*, compile per le tres reverend Judge Sir *W. Staundforde* en les Titles de *Acceſſories*, & *Damages* en appeal.

Abeyance.

A *Beyance* eſt quand un Leaſe eſt fait pur Term de vie, le Remainder al droit Heirs de *J. S.* que eſt en vie al temps del Grant: ore per ceſt Grant le Remainder paſſa hors del Grantor maintenant, unc' il ne veſta maintenant, ne priſt effect en le Grantee, c'eſt a dire, le droit Heir d'*J. S.* mes eſt dit d'eſtre en *abeyance*, ou, come les Logiciens appelle ceo, *in potentia*, ou *in intellectu*; &, come nous dicimus, *in nubibus*, ceſtaſcavoir, en le conſideration de Ley, Que ſi *J. S.* moruſt, ayant un droit Heir en vie, & vivant le Leſſee pur vie, donques ceo eſt un bon Remainder, & a ore veſte &

oꝛ deſert, do pꝛocure others to ſue falſe Appeals of Murder oꝛ Felony againſt Men, to the intent to trouble and grieve them, and to bꝛing them to infamy and ſlander. Abettoꝛs in Murther are thoſe that command oꝛ pꝛocure, counſel oꝛ comfoꝛt others to Murther. And in ſome Caſe Abettoꝛs ſhall be taken as Pꝛincipals, and in ſome caſe but as Acceſſoꝛies: So in other Felonies. And their pꝛeſence at the Deed doing, and their abſence makes a difference in the Caſe: There are Abettoꝛs alſo in Treaſon, but they are as Pꝛincipals, foꝛ in Treaſon there are no Acceſſoꝛies.

See moꝛe in the Book called Pleas of the Crown, made by the Reverend Judge Sir W. Staundforde, in the Titles of Acceſſories, and Damages in Appeal.

Abeyance.

A Beyance is, when a Leaſe is made foꝛ term of life, the Remainder to the right Heirs of J. S who is living at the Time of the Gꝛant: Now by this Gꝛant the Remainder paſſes from the Gꝛantoꝛ pꝛeſently, yet it veſts not pꝛeſently, noꝛ takes hold in the Gꝛantee, that is, the right Heir of J. S. but is ſaid to be in Abeyance, oꝛ, as the Logicians term it, in poſſe, oꝛ in underſtanding, and, as we ſay, in the Clouds, that is, in the Conſideration of the Law, That if J. S. die, having a right Heir, and living the Leſſee foꝛ life, then this is a good Remainder, and now veſts and comes

comes to the ſaid right Heir, in ſuch ſort as that he may grant, forfeit, or otherwiſe diſpoſe the ſame, and ceaſes to be any more in Abeyance, for that there is one now of ability to take it, becauſe J. S. is dead, and hath left a right Heir in life; which could not be, living J. S. for that during his Life none could properly be ſaid to be his Heir. Alſo if a Man be Patron of a Church, and preſents one to the ſame, now the Fee of the Lands and Tenements pertaining to the Rectory is in the Parſon: But if the Parſon die, and the Church become void, then is the Fee in Abeyance, until there be a new Parſon preſented, admitted and inducted; for the Patron hath not the Fee, but only the Right to preſent, and the Fee is in the Incumbent that is preſented; and after his Death it is in no body, but in Abeyance, till there be a new Incumbent, as is aforeſaid.

See Lit. Lib. 3. cap. 11. fo. 145. and Perkins ſol. 12, 34 35. Sect. 87.

Abiſhersing.

ABiſhersing (and in ſome Copies Miſhersing, Mishering, or Miskering) is, to be quit of Amerciaments before whomſoever of Tranſgreſſion proved.

Abjuration.

ABjuration is an Oath that a Man or Woman ſhall take when they have committed Felony, and fly to the Church, or Church-yard, or to any other place privileged for ſafeguard of their Lives, chuſing rather perpetual Baniſhment out of the Realm, than to ſtand to the Law, and be

vient al le dit droit Heir, en tiel ſort, que il poit grant, forfeit, ou auterment diſpoſe ceo, & ceſſa deſtre ore en *abeyance*, pur ceo que il eſt un ore de ability pur prender ceo, pur ceo q; *J. S.* eſt mort, & ad relinquiſh un droit Heire en vie; le quel ne poit eſtre, vivant *J. S.* car durant ſon vie nul poit proprement eſtre dit ſon Heir. Item ſi un hom' ſoit patron dun Eſgliſe, & preſent auter a ceo, ore eſt le Fee des ter' ou Tenem' perteignant al Rectory en le Parſon: Mes ſi le Parſon moruſt & le Eſgliſe eſt devenus void, donque eſt le Fee en *abeyance*, tanque il ſoit un novel Parſon preſent, admit & induct; car le Patron nad le Fee, mes ſolement le droit de preſenter, & le Fee eſt en le Incumbent que eſt preſent, & puis ſon mort il neſt en aſcun, mes en *Abeyance*, tanque il ſoit un novel Incumbent, come eſt avant dit.

Veies *Litt. Lib.* 3 *c.* 11 *fo.* 145. *& Perk fo.* 12, 34, 35. *Sect.* 87.

Abiſhersing

A *Biſhersing* (& en aſcun Copies *Miſhersing*, *Mishering*, ou *Miskering*) *eſt quiet' eſſe de Amerciamentis coram quibuſcunque de Tranſgreſſione probata.*

Abjuration.

A *Ijuration* eſt un Serement que home ou feme preignont quand ils ount commiſſe Felony, & fue al Eſgliſe, ou Cemitory, ou auter lieu privilege, per tuition de lour vies, eſliſant pluiſtoſt perpetual Baniſhment hors de Royalm, que a eſtoyer a le Ley, & deſtre

trie del Felony: En cel caſe, devant le Coroner il ſerra tiel confeſſion que poit faire ſufficient enditement de Felony: donques le Coroner al Common Ley luy ferra de abjure la Realm, & aſſignera a luy a quel Port il alera, & luy jura, que il ne va hors del haut chimin, & que il ne demurra a le Port (ſi il poit aver bone paſſage) forſque un flood & un ebb; & ſi il ne poit aver paſſage, que il alera cheſcun jour, durant xl. jours, en le Mere a ſon genue. Mes ſi tiel Felon que abjure ala hors de la chimin & ſua a auter lieu, ſi il ſoit priſe, il ſerra ameſne devant le Judge, & la avera judgment deſtre pendus.

Et ſil que iſſint pria la privilege ne voile abjure, donques il avera privilege pour xl. jours, & cheſcun poit luy donner viand. Et ſi aſcun don luy viand apres xl. jours, meſque il ſoit ſa Feme, tiel doner eſt Felony. Auxy ceſtuy que abjure ſerra deliver per un Conſtable al auter, & de un Franchiſe al auter, tanque il vient a ſon Port: Et ſi le Conſtable ne voet receive luy, il ſerra grievouſement amercie. Vide Juramentum in tractatu De *abjuratione Latronum*.

C'eſt Ley fuit inſtitute per S. *Edward* le Confeſſor, un Roy de ceſt Realm devant le Conqueſt, & fuit ground ſur le Ley de mercie, & pur le amour & reverence que il & auters ſes Succeſſors porterent al Meaſon de Dieu, ou lieu de Prayers & Adminiſtration de ſon parol & ſacraments,

tried for the Felony: In which Caſe, before the Coroner he ſhall make ſuch Confeſſion which may make a ſufficient Indictment of Felony: Then the Coroner at the Common Law ſhall make him forſwear the Realm, and aſſign to him to what Port he ſhall go, and ſhall ſwear him that he go not out of the Highway, and that he abide not at the Port (if he may have good paſſage) above one flood and one ebb; and if he cannot have paſſage, then he ſhall go every day during xl. days in the Sea to the knees. But if ſuch a Felon as abjures goes out of the Highway, and flies to another place, if he be taken, he ſhall be brought before the Judge, and there ſhall have Judgment to be hanged.

And if he who ſo prays the privilege will not abjure, then he ſhall have the Privilege for xl. Days, and every Man may give him meat and drink. And if any give him ſuſtenance after xl. Days, although it be his Wife, ſuch giving is Felony. Alſo he that doth abjure ſhall be delivered from one Conſtable to another, and from one Franchiſe to another, till he come to his Port: And if the Conſtable will not receive him, he ſhall be grievouſly amerced. See the Oath in the Treatiſe De abjuratione Latronum.

This Law was inſtituted by S. Edward the Confeſſor, a King of this Realm before the Conqueſt, and was grounded upon the Law of Mercy, and for the Love and Reverence he and others his Succeſſors did bear unto the Houſe of God, or Place of Prayer and Adminiſtration of his Word and Sacraments,

which

which we call the Church. Note, This Law is now changed by the Statutes 21 H. 8. cap. 2 22 H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appears, that he at this Day shall not abjure the Realm, but all his Liberty of this Realm, and all his liberal and free Habitations, resorts and passages from all Places of this Realm, to one certain Place in this Realm thereto limited by 32 H. 8. cap. 13. and 33 H. 8. c. 15. See more in Staundf. li. 2. c. 10. and see the Statutes 1 Jac. c. 25. and 21 Jac. c. 28. for the Repeal of all Statutes concerning Abjured Persons, and the taking away of all Sanctuaries.

See the Statutes of 35 Eliz. cap. 12. for the Abjuration of Recusants, and Stat. 1 Jac. cap. 25, 28.

Abridgment of a Plaint or Demand.

ABridgment of a Plaint or Demand is, where one brings an Assise, Writ of Dower, Writ of Ward, or such like: in which Cases, for that the Writ of Assise is, de libero tenemento, as in a Writ of Dower, the Writ is, Rationabilem dotem quæ contingit de libero tenemento W. her Husband, and in a Writ of Ward, the Writ is, Custod. terrarum & hæredis, &c. without shewing any Certainty in these Writs; but in the Plaint of the Assise, or Demand in the Writ of Dower, and in the Count in the Writ of Ward, the Plaintiff, or Demandant, is to shew the Certainty of the Acres or Parcels of Land: Then if the Tenant pleads Nontenure, or Joyntenancy, or some other

le quel nous appellomus Esglise. Nota, cel Ley est ore change per Statutes 21 *H.* 8. *cap.* 2. 22 *H.* 8. *cap.* 14. & 32 *H.* 8. *cap.* 12. per queux appiert, que il a cel jour ne abjurera le Realm, mes tout son Liberty de ceste Realm & tout son liberal & frank Habitations, Resorts, & Passage de touts lieux de ceste Realm, a un certain lieu en cel Realm a ceo limit per 32 *H.* 8. *c.* 13. & 33 *H.* 8. *c.* 15. Vide plus in *Staundf. lib.* 2. *c.* 10 & vide ore le Stat. 1 *Jac. c.* 25. & 21 *Jac. c.* 28. pur repeal de touts Statutes que concern persons que abjure, & le toller des touts Sanctuaries.

Veies le Stat. de 35 *Eliz. cap.* 1, 2. per Abjuration de Recusants, & Stat. 1 *Jac. cap.* 25, 28.

Abridgement de Plaint ou Demand.

A *Bridgment de Plaint ou Demand* est lou un port un Assise, Brief de Dower, Brief de Gard, ou tiel semblables: en queux cases pur ceo que le Brief de Assise est, *de libero tenemento*, come en Brief de Dower, le Brief est, *Rationabilem dotem quæ contingit de libero tenemento W.* son baron, & en un Brief de Gard, le Brief est, *Custodia terrarum & hæredis*, *&c.* sans monstre ascun auter certainty en les Briefs; mes en le Plaint del Assise, ou Demand en le Brief de Dower, & en le Count en Brief de Gard, le Plaintiff ou Demandant monstra le certainty des acres ou parcels de Terre; la si le Tenant plead Nontenure, ou Joyntenancy,

ou

ou aſcun auter tiel ſemblable plea, a parcel del terre demand, en abatement del Brief, le Plaintiff ou demandant poit abridger ſon Plaint ou Demand al ceſt parcel, ceſt adire, il poit omit hors ceſt part, & prie que le Tenant reſpondera al reſt, a que il ne ad uncore plede aſcun choſe. Le cauſe eſt, pur ceo que en tielx Briefs le certainty n'eſt mis, mes eſt generalment: & nientobſtant le Demandant ad abridge ſon Plaint ou Demand en part, uncore le Brief demurre bone pur le reſidue.

Accedas ad Curiam.

A *Ccedas ad Curiam* eſt un Brief direct al Vicount, luy commandant de aler a tiel Court de aſcun Seignior ou Franchiſe, lou un Plaint eſt ſue pur priſel del avers come Diſtreſs, ou aſcun faux judgment eſt ſuppoſe deſtre fait en aſcun Suit en tiel Court, quel n'eſt de Record; & que le Vicont la ferra Record del dit Sute en preſence del Suitors de meſne le Court, & de quatuor auters Chivalers de le County, & ceo Record certifiera al Court le Roy, & a cel jour quel eſt aſſigne en le Brief.

Veies *Fitz. Nat Brev. fol.* 18. Il giſt cybien pur Juſtice delay come pur Judgment falſement done, & eſt come un Brief de *Recordare.*

C'eſt Brief eſt fait hors del Chancery, & returnable *in Banco Regis* ou en le Common Pleas.

ſuch like Plea, to Parcel of the Land demanded, in Abatement of the Writ, the Plaintiff or Demandant may abridge his Plaint or Demand to that Parcel, that is, he may leave out that Part, and pray, that the Tenant may anſwer the reſt, to which he hath not yet pleaded any Thing. The Cauſe is, for that in ſuch Writs the Certainty is not ſet down, but is generally: And notwithſtanding the Demandant hath abridged his Plaint or Demand in Part, yet the Writ remains good ſtill for the reſt.

Accedas ad Curiam.

ACcedas ad Curiam is a Writ directed to the Sheriff, commanding him to go to ſuch a Court of ſome Lord, or Franchiſe, where a Plaint is ſued for taking of Beaſts as a Diſtreſs, or any falſe Judgment is ſuppoſed to be made in any Suit in ſuch a Court, which is not of Record; and that the Sheriff ſhall there make Record of the ſaid Suit, in Preſence of the Suitors of the ſame Court, and of four others, Knights of the County, and certify it into the King's Court, and at the Day that is limited in the Writ.

See Fitz. Nat. Brev. fol. 18. It lies as well for Juſtice delayed, as Judgment falſly given, and is as a Writ of Recordare.

This Writ is made out of Chancery, and returnable into the King's Bench or Common Pleas.

Accedas ad Vicecomitem.

ACcedas ad Vicecomitem is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a Pone delivered him, ſuppreſſes it. Regiſt. Orig. 83.

Acceptance.

ACceptance is a taking in good Part, and as it were an Agreeing unto ſome Act done before, which might have been undone and avoided (if ſuch Acceptance had not been) by him or them that ſo accepted: For Example, if a Biſhop, before the Statute made 1 Eliz. leaſe Part of the Poſſeſſions of his Biſhoprick for Term of Years, reſerving Rent, and dies, and after another is made Biſhop, who accepts, that is, takes or receives the Rent when it is due and ought to be paid; now by this Acceptance the Leaſe is made perfect and good, which elſe the new Biſhop might very well have avoided.

The like Law is, if a Man and his Wife ſeiſed of Land in Right of the Wife, join and make a Leaſe or Feoffment by Deed, reſerving Rent, and the Husband dies, ſhe accepts or receives the Rent; by this the Feoffment or Leaſe is made perfect and good, and ſhall bar her of bringing a Cui in vita. So. Lit. 211. b.

Acceſſories.

ACceſſories (Acceſſorius vel Acceſſorium particeps criminis,) are of two Sorts, by the Common Law, and by the Statute Law. Acceſſory by the Common Law is alſo of two Sorts, the one before the Offence is done,

Accedas ad Vicecomitem.

A*Ccedas ad Vicecomitem* eſt un Brief direct al Coroner, luy commandant a deliver un Brief al Vicont, que aiant un *Pone* a luy deliver, ceo ſuppreſſe. *Regiſt. Orig.* 83.

Acceptance.

A*Cceptance* eſt un prendance en bon gree, & come un Agreement al aſcun choſe fait devant, le quel puit aver eſte disfait & avoid (ſi tiel Acceptance nad eſtre) per luy ou ceux que iſſint accepta: pur example, ſi un Eveſque, devant le Statute fait *Anno primo Eliz.* leſſe part del poſſeſſions de ſon Eveſquery pur ans, reſervant Rent, & moruſt, & puis un auter eſt fait Eveſque, le quel accepta, c'eſt adire, priſt ou receive le Rent quant il eſt due & doit eſtre pay; ore per ceſt Acceptance le Leaſe eſt fait perfect & bon, le quel auterment le novel Eveſque poit aſſets bien avoid.

Semblable Ley eſt, ſi un home & ſa feme, ſeiſie de Terre en droit del feme, joyn & font Leaſe ou Feoffment per fait reſervant Rent, & le baron moruſt, el accepta ou receive le Rent: per cel le Feoffment ou Leaſe eſt fait perfect & bon, & ſerra barr a luy de porter *Cui in vita.* *Co. Lit.* 211. *b.*

Acceſſories.

A*Cceſſories (Acceſſorius ou Acceſſorium particeps criminis)* ſont en deux ſorts, per le Common Ley, & per le Statute Ley. Acceſſory per le Common Ley eſt auxy en deux ſorts, l'un avant le fact

eſt

eſt fait, le auter puis. *Acceſſory* devant le fait eſt celuy que commanda ou procura auter de fair Felony, & neſt la preſent luy meſme quant lauter le fait; mes ſil ſoit preſent donques il eſt auxy Principal. *Acceſſory* puis le fait eſt celuy que receiva, favour, aida, aſſiſt, ou comfort aſcun home que ad fait aſcun Murder ou Felony dont il ad conuſans. Tiel Acceſſory ſerra puniſh, & avera judgment de vie & de member, auxy bien come le Principal que fiſt le Felony: Mes tiel Acceſſory ne ſerra jammes mis a reſponder a ceo, tanque le Principal ſoit convict ou attaint, ou ſoit utlage de ceo. En Manſlaughter home ne poit eſtre Acceſſory devant le fait, can Manſlaughter covient enſuer ſur ſodain debate ou affray; car ſi ſoit premeditate ceo eſt Murder. *Co. l. 4. f. 44. a.*

Mes un feme en tiel caſe ne ſerra Acceſſory pur le aider de ſon baron. En grand ou hault Treaſon, cibien les commanders come les aſſiſters & receivers ſont tout foits Principals.

Si home counſel un feme a murder lenfant en ſa venter, & apres lenfant eſt nee, & donque eſt murder per le feme en le abſence de cuſtuy que iſſint done le councel; uncore il eſt Acceſſory per ſon counſelling devant le neſtre del enfant, & nient ceo countermandant. *Dyer fo 186. pl. 2.*

Auxy un poit eſtre acceſſory al Acceſſory; ſicome un felonioufment receive un aut' que eſt acceſſory al Felony, la le Receiver eſt un Acceſſory.

the other after. Acceſſory before the Fact, is he that commands or procures another to do Felony, and is not there preſent himſelf when the other does it; but if he be preſent, then he is called Principal. Acceſſory after the Offence is he that receives, favours, aids, aſſiſts or comforts any Man that hath done any Murther or Felony, whereof he hath knowledge. Such an Acceſſory ſhall be puniſhed, and ſhall have Judgment of Life and Member, as well as the Principal which did the Felony: But ſuch an Acceſſory ſhall never be put to anſwer that 'till the Principal be attaint or convict, or be outlawed thereupon. In Manſlaughter, a Man cannot be Acceſſory before the Fact, for Manſlaughter ought to enſue upon a ſudden Debate or Affray; for if it be premeditated, it is Murther. Co. Lit. fol. 44. a.

But a Woman in ſuch Caſe ſhall not be Acceſſory for helping her Husband. In great or high Treaſon, as well the Commanders as the Aſſiſters and Receivers are always Principals.

If a Man counſels a Woman to murther the Child in her Body, and after the Child is born, and then is murthered by the Woman in the abſence of him who ſo gave the counſel; yet he is Acceſſory by his counſelling before the Birth of the Infant, and not countermanding it. Dyer fo. 186. pl. 2.

Alſo one may be Acceſſory to an Acceſſory; as if one felonioufly receive another that is Acceſſory to Felony, there the Receiver is an Acceſſory.

In

In highest and lowest Offences there are no Accessories, but all are Principals, as in High Treason, *crimen læsæ Majestatis*: So in Trespass, forcible Entries &c. which are the lowest.

Accessory by the Statute is such an one as abets, counsels or receives any Man who commits, or hath committed any Offence made Felony by Statute: For although the Statute doth not make Mention of Accessories, Abettors, &c. yet they are included by the Interpretation of the said Statutes. Staundf. pl. cor. li. 1. c. 45, 46, 47, 48,

See more of Accessory in the said Book of Pleas, lib. 1. cap. 44, 49, & 50.

Accompt.

ACcompt is a Writ, and it lies where a Bailiff or Receiver to any Lord, or other Man, who ought to render Accompt, will not give his Accompt; then he to whom the Accompt ought to be given shall have this Writ. And by the Statute of Westm. 2. cap. 10, if the Accomptant be found in arrearages, the Auditors that are assigned to him have Power to award him to Prison, there to abide till he have made satisfaction to the Party, But if the Auditors will not allow reasonable Expence and Costs, or if they charge him with more receipts than they ought, then his next Friend that will sue for him shall sue a Writ of Ex parte talis out of the Chancery directed to the Sheriff, to take four Mainpernors to bring his Body before the Barons of the Exchequer at a certain Day, and to warn the

En Offences plus hault ou plus mean ils sont nul Accessories, mes touts sont Principals, come en Hault Treason, *crimen læsæ Majestatis*: Issint en Trespasses, forcible Entries, *&c.* queux sont le plus mean.

Accessory per le Statute est tiel que abet, counsel ou receive ascun home que commit ou ad commit ascun offence fait Felony per Statute: Car coment que le Statute ne fait mention de Accessories, Abettors, &c, uncore ils sont include per le interpretation des dits Stat. *Staundf. Pl. cor. l.* 1 *c.* 45, 46, 47, 48.

Veies pluis del *Accessory* in le dit Livre de les *Pleas*, *l.* 1. *cap.* 44, 49, *&* 50.

Accompt.

A *Ccompt* est un Brief, & gist lou Bailiff ou Receiver dascun Seignior ou daut' home que doit render Accompt, ne voet render son Accompt; donques celuy a que l'Accompt doit estre render avera cest Brief. Et per le Statute de *Westm.* 2. *c.* 10. si le Accomptant soit trove en arrearages, les Auditors que sont a luy assignes ont power de agarder luy a prison, la a demurrer tanque il a fait gree al party. Mes si les Auditors ne voyllont allower reasonable expence & costage, ou sils chargeront luy ove plusors receipts que ils duissent, donques son prochein amy que voit suer per luy, fuera un Brief de *Ex parte talis* hors del Chancery, direct al Vic' de prender 4 Mainpernors de render son corps devant les Barons del Exchequer a certain

tain jour, & de garner le Seignior de appear' la a meſme le jour.

Accord.

Accord eſt un Agreement perent' deux al meins, pur ſatisfie un Offence ou Treſpaſs que le un ad fait al aut', pur le quel il ad agree de ſatisfier & content luy ove Recompence; quel ſi ſoit execut' & perform, donques pur ceo que ceſt Recompence eſt un plene ſatisfaction pur le Offence, ſerra un bon barr en le Ley, ſi lauter, apres l'Accord perform, voit ſuer arrere un Action pur meſme le Treſpaſs.

Nota que le primer eſt properment appelle un *Accord*, le auter eſt un *Contract*.

Acquietandis Plegiis.

Acquietandis Plegiis eſt un Brief pur un Surety vers ſon Creditor qui refuſe de acquiter luy depuis ſon debt pay. *Reg. fol.* 158.

Acquital.

Acquital eſt quant la eſt Seignior, Meſne & Tenant, & le Tenant tient de le Meſne certain Terres ou Tenements en Frank-almoign, Frank-marriage, ou tielx ſemblables, & le Meſne tient ouſter auxy de Seignior paramount, ou deſuis luy. Ore doit le Meſne acquit ou diſcharge le Tenant de tout & cheſcun maner de Service que aſcun auter voit aver ou demand de lui concernant meſmes les Terres ou Tenements, pur ceo que le Tenant doit fair le ſervice a le Meſne tantſolement, & nemy al divers Seigniors, pur un Tenement ou parcel del Terre, Meſme le Ley eſt ou il eſt

Lord to appear there the ſame Day.

Accord.

Accord is an Agreement between two at the leaſt, to ſatisfie an Offence or Treſpaſs that the one hath made to the other, for which he hath agreed to ſatisfie and content him with ſome Recompence; which if it be executed and performed, then, becauſe this Recompence is a full ſatisfaction for the Offence, it ſhall be a good Bar in Law, if the other after the Accord performed, ſhould ſue again any Action for the ſame Treſpaſs.

Note, that the firſt is properly called an Accord, the other a Contract.

Acquietandis Plegiis.

Acquietandis Plegiis is a Writ for a Surety againſt his Creditor, who refuſes to acquit him after his Debt paid. Reg. fol. 158.

Acquittal.

Acquittal is were there is a Lord, Meſne, and Tenant, and the Tenant holds of the Meſne certain Lands or Tenements in Frank-almoign, Frank-marriage, or ſuch like, and the Meſne holds over alſo of the Lord paramount, or above him. Now ought the Meſne to acquit or diſcharge the Tenant of all and every manner of Service that any other would have, or demands of him concerning the ſame Lands or Tenements, becauſe the Tenant muſt do his Service to the Meſne only, and not to divers Lords, for one Tenement or parcel of Land. The ſame Law is where there is Lord, Meſne, and

Tenant, as afozeſaid, and the Meſne grants to the Tenant (upon the Tenure made between them) to acquit and diſcharge him of all Rents, Services, and ſuch like. This Diſcharge is called Acquittal.

Like Law is, if the Tenant holds of his Meſne by like Services, as the Meſne holds over of the Lozd; and the Tenant doth, oz pays his Services to the Meſne, but the Meſne doth not his Services to the chief Lozd, wherefoze he diſtrains the Beaſts of the Tenant. In this Caſe the Meſne, foz the equalneſs of the Services, ought to acquit the Tenant of the Service due unto the Lozd. Alſo there is Acquittal in Law, & Acquittal in Fact. Acquittal in Law is, when two are appealed oz indicted of Felony, the one as Pzincipal, the other as Accellozy; the Pzincipal being diſcharged, the Accellozy by Conſequence is alſo acquitted: And in this Caſe, as the Accellozy is acquitted by the Law, ſo is the Pzincipal in Fact. Staundf. pl. cor. fo. 168.

Acquittance.

ACquittance is a Diſcharge in Wziting of a Sum of Money, oz other Duty which ought to be paid oz done. As if one be bound to pay Money upon Obligation, oz Rent reſerved upon a Leaſe, oz ſuch like, and the Party to whom the Money oz Duty ſhould be paid oz done, upon the Receipt thereof, oz upon other agreement between them had, makes a Wziting oz Bill of his Hand in Diſcharge thereof witneſſing that he is paid, oz otherwiſe contented, and therefore doth acquit and diſcharge him of the ſame. Which Acquit-

Seignior, Meſne, & Tenant come avant dit, & le Meſne grant al Tenant (ſur le tenure fait perent' eux) pur acquit & diſcharge luy de touts Rents, Services, & tiel ſemblables. Ceo Diſcharge eſt appel *Acquital*.

Meſme le Ley eſt, ſi Tenant tient de ſon Meſne per auciels Services, come le Meſne tient ouſter del Seignior, & le Tenant fait ou paya Services al Meſne, mes le Meſne ne feſoit ſes Services al Seignior paramount, pur que il diſtrain les Beaſts del Tenant. En cel caſe le Meſne, pur le oueltie des Services, doit acquit le Tenant del Services due al Seignior. Auxy la eſt *Acquital en Ley*, & *Acquital en Fait*. Acquital en Ley eſt, ou deux ſont appeal ou endict de Felony, luy come Principal, lauter come Acceſſory; le Principal eſteant diſcharge, le Acceſſory per conſequent eſt auxy acquit: Et en ceſt caſe, ſicome l'Acceſſory eſt acquit per le Ley, iſſint eſt le Principal en Fait. *Staundf pl. cor. fol.* 168.

Acquittance.

ACquittance eſt un Diſcharge en eſcript d'un Sum de money, ou auter duty que doit eſtre pay ou fait. ſicome un ſoit oblige de payer money ſur un obligation, ou Rent reſerve ſur un leaſe, ou tiel ſemblable, & le party a que le money ou duty doit eſtre pay ou fait, ſur le receit de ceo, ou ſur aut' agreement perenter eux ewe, fait Eſcript ou Bill de ſon mayne en diſcharge de ceo, teſtimoignant que il eſt pay, ou auterment content & pur ceo acquit & diſcharge luy de ceo. Le quel Acquittance

tance eſt tiel Diſcharge & Bar en la ley, que il ne poit demand & recover meſme le Sum ou duty aut'foits, ſil poit monſtre le Acquittance.

C'eſt parol *differt ab hoc quod in Jure Civili* Acceptitatio *dicitur, quia illud fieri poteſt verbo ſine ſcripto, & nihil aliud eſt quam ficta Solutio & Liberatio, licet Solutio non ſit: Nec* Apocha *dici poteſt, quæ cautio eſt ſolutæ datæve pecuniæ, quæ non liberat niſi pecunia ſoluta ſit.*

Acre.

ACre eſt un certain parcel de Terre que contain en longaur 40 Perches, & en latitude 4 Perches, ou a ceſt quantity ſoit le longeur pluis ou meins. Et ſi un home voile erect un novel Cottage, il devoit mitter quater Acres de terre a ceo, ſolonque ceſt meaſure, 31 *Eliz. cap.* 7. Et ove ceſt meaſure agree Monſieur *Crompton* en ſon *Juriſdiction de Courts, fo.* 222. Uncore il dit que ſolonque les divers cuſtoms de ſeveral pais, le Perch differt, eſteant en aſcun lieux (& plus uſualment) forſque dixſize pees & demie; mes en le Countie de *Staff.* le Perch eſt vint quat' pees, come fuit cy devant adjudge en le Exchequer. En Stat' fait ann. 24 *H.* 8. *c.* 14. pur emblement de Flax, 160 Perches font un Acre: Le Ordinance de admeaſurement de terre fait *ann.* 34 *E.* 1. *Stat.* 1. agree ove ceſt account.

Action.

ACtion eſt le forme de un Suit donne per le Ley de recover choſe; come Action de Dett,

tance is ſuch a Diſcharge and Bar in the Law that he cannot demand and recover the Sum or Duty again, if he produce the Acquittance.

This Word differs from that which in the Civil Law is called Acceptation, becauſe that may be by Word without writing, and is nothing but a feigned Payment and Diſcharge, though no Payment he had: Nor can it be ſaid to be Apocha which is a witneſſing the payment or delivery of Money, which diſcharges not unleſs the Money be paid.

Acre.

ACre is a certain parcel of Land that contains in length forty Perches, and in breadth four Perches, or of this quantity, be the length more or leſs. And if a Man would erect a new Cottage, he ought to lay four Acres of Land unto it, according to this Meaſure, 31 Eliz. cap. 7. And with this Meaſure agrees Maſter Crompton in his Juriſdiction of Courts, fol. 222. Yet he ſaith, that according to divers Cuſtoms of ſeveral Countries, the Perch differs, being in ſome Places (and moſt uſually) but ſixteen Foot and an half: But in the County of Staford, the Perch is twenty four Foot, as was heretofore adjudged in the Exchequer. In the Stat. made an. 24 H. 8. c. 14. for the ſowing of Flax, 160 Perches make an Acre. The Ordinance of meaſuring of Land made an. 34 E. 1. St. 1. agrees with this Account.

Action.

ACtion is the form of a Suit given by the Law to recover a Thing; as an Action of Debt,

and

and ſuch like; or as it is Co. 8. f. 151. a. An Action is a Right of proſecuting to judgment that which is due to any one; and is of three ſorts, real, perſonal and mixt. Co. 2. Inſt. fol. 40.

See the Lexicon of the Law, for Action.

Action of a Writ.

ACtion of a Writ is a phraſe of Speech uſed when one pleads ſome Matter, by which he ſhews that the Plaintiff had no Cauſe to have the Writ which he brought; and yet it may be that he may have another Writ or Action for the ſame Matter. Such a Plea is called a Plea to the Action of the Writ: Whereas if by the Plea it ſhould appear that the Plaintiff hath no Cauſe to have an Action for the Thing demanded, then it ſhall be called a Plea to the Action.

Action upon the Caſe.

ACtion upon the Caſe is a Writ brought againſt one for an Offence done without Force, as for not performing a Promiſe made by the Defendant to the Plaintiff, or for ſpeaking of Words by which the Plaintiff is defamed, or for other Misdemeanor or Deceit; where the whole Caſe ſhall be contained in the Writ.

Trover, Nuſance, Slander of the Perſon, Trade, Title, Eſcape on Meſne Proceſs, for negligent keeping Fire, for inartificial performing Work, for turning an ancient Watercourſe, or a Commoner againſt one who digs the ſoil of his Common, or puts his Cattel into it without Right, or incloſes Part of the Common.

& tielx ſemblable; ou come eſt Co. 8. f. 151. a. *Actio eſt jus proſequendi in judic' quod alicui debetur*; & eſt de trois ſorts, real, perſonal & mixt. Co. 2 *Inſt. fol.* 40.

Vide *Lexicon juris*, pur *Action*.

Action del Briefe.

ACtion del Brief eſt un phraſe del parlance uſe quand un plead aſcun matter, per que il monſtre que le Plaintiff nad cauſe daver le Brief que il port, & uncore poit eſte que il poit aver auter Brief ou Action pur meſme le matter. Tiel Plea eſt appel *Plea al Action del Brief*: lou ſi per la Plea appiert que le Plaint' n'averoit aſcun cauſe de aver aſcun Action pur le choſe demand, donques ceo ſerra dit Plea al Action.

Action ſur le Caſe.

ACtion ſur le Caſe eſt Brief port envers un pur aſcun Offence fait ſans force, come pur nient performance del Promiſe fait per le Defendant al Plaintiff; ou pur parlance des parols per queux le Plaintiff eſt defame, ou pur auter miſdemeanour ou deceit; lou tout le caſe ſerra contenus en le Brief.

Trover, Nuſance, Slander de Perſon, Trade, de Title, Eſcape ſur meſne proceſs, pur negligent garder de ſon feu, pur inartificialment *performando opera, pro divertendo antiquum curſum aquæ.* pro Commoner vers un que foder le ſoil del Common, ou enjetta ſes avers en ceo ſans droit, ou incloſe parcel de le Common.

Action mixt.

ACtion *mixt* eſt un Suit done per le Ley de recover le choſe demand, & damages pur le tort fait; come en *Aſſiſe de nov' diſſeiſin.* Quel Brief (ſi le Diſſeiſſor fait Feoffment al aut') le Diſſeiſee avera vers le Diſſeiſſor & le Feoffee ou aut' ter-tenant, & en ceo recovera ſon Seiſin del terres, & ſes damages pur le mean profits, & pur le tort a luy fait. Et iſſint eſt un Action de *Waſte* & *Quare impedit.* Mes un Action de Detinue n'eſt appel *Action mixt*, comment per ceo le choſe detenus eſt demand, & ſerra recover ſi poit eſtre trove, & damages pur le detainer; & ſi ne poit eſtre trove, donque damages pur la choſe & le detainer.

Mes ceo eſt appel ſolement *Action perſonal*, pur ceo qne ſerra port ſolement pur biens ou Chattels, ou Charters.

Action ſur le Statute.

ACtion *ſur le Statute* eſt Brief foundu ſur aſcun Statute, lou per aſcun Statute Action eſt done a un en aſcun caſe lou nul tiel Action fuit devant: Come lou un commit Perjury al prejudice d'un aut', ceſuy que eſt damnifie avera Brief ſur le Statute & ſon Caſe. Et le difference enter Action ſur le Statute & Action popular eſt, Que lou le Statute done le Suit ou Action al party grieve, ou auterment a un perſon certain, ceo eſt appel *Action ſur le Statute*: Mes lou per le Statute authority eſt done a cheſcun que voile de ſuer, ceo eſt appel *Action popular.*

Action mixt.

ACtion mixt is a Suit given by the Law to recover the Thing demanded, and Damages for the Wrong done; as in Aſſ. of Novel diſſ. which Writ (if the Deſſeiſor make a Feoffm. to another) the Diſſeiſee ſhall have againſt the Diſſeiſor and the Feoffee or other Ter-ten. and thereby ſhall recover his Seiſin of the Land, and his Damages for the mean Profits, and for the Wrong done him. And ſo is an Action of Waſte & Quare impedit. But an Action of Detinue is not called an Action mixt, although by it the Thing with-held is demanded, and ſhall be recovered if it may be found, and Damages for the with-holding; and if it cannot be found, then Damages for the Thing and the detaining.

But that is called only an Action perſonal, becauſe it ſhould be brought only for Goods and Chattels, or Charters.

Action upon the Statute.

ACtion upon the Statute is a Writ founded upon any Statute, whereby an Action is given to one in any Caſe where no Action was before: As where one commits Perjury to the Preejudice of another, he who is indamaged ſhall have a Writ upon the Statute, and his Caſe. And the Difference between an Action upon the Statute, and Action popular is, That where the Statute gives the Suit or Action to the Party grieved, or otherwiſe to one Perſon certain, that is called Action upon the Statute: But where by the Statute Authority is given to every one that will to ſue, that is termed Action popular.

Actions

Actions perſonal.

ACtions perſonal are ſuch Actions whereby a Man claims Debt, or other Goods and Chattels, or Damage for them, or Damages for Wrong done to his Perſon; and it is properly that which in the Civil Law is called Actio in perſonam, which is brought againſt him who is bound by Covenant or Default to give or grant any Thing.

Action popular.

ACtion popular is an Action given upon the Breach of ſome penal Statute, which Action every Man that will may ſue for himſelf and the King, by Information or otherwiſe, as the Statute allows, and the Caſe requires. And of theſe Actions there are an infinite Number; but one for Example: As when any of the Jury, that are impanelled and ſworn to paſs between Party and Party indifferently, do take any Thing of the one Side or other, or of both Parties, to ſay their Verdict on that Side, then any Man that will, within the Year following the Offence, may ſue a Writ called Decies tantum againſt him or them that ſo did take to give his Verdict. And becauſe this Action is not given to one eſpecially, but generally to any of the King's People that will ſue, it is called an Action popular. But in this Caſe, when one hath begun to purſue an Action, no other may ſue it; and in this, as it ſeems, it varies from an Action popular by the Civil Law.

According to the Stat. 1 H. 8. c. 4. it is enacted, That in all

Actions perſonal.

ACtions *perſonal* ſont tiels Actions per queux home claime dette, ou auter biens & chateux, ou damag' pur eux, ou damage pur tort fait a ſon perſon: & eſt proprement ceſt que en le Civil Ley eſt appel *Actio in perſonam, quæ adverſus eum intenditur, qui ex Contractu vel Delicto obligatus eſt aliquid dare vel concedere.*

Action popular.

ACtion *popular* eſt un Action que eſt done ſur le breach daſcun penal Statute, le quel Action cheſcun home que voit poit ſuer pur luy meſme & le Roy, per information ou auterment, come le Statute allow, & le caſe require. Et de ceux Actions il y ad infinite number, mes un pur example eſt: Quand aſcun del Jury, que ſont impannel & jurus de paſſer perenter party & party indifferentment, priſt aſcun choſe de lun party ou lauter, ou de ambideux parties pur lour Verdict dire al ceo part, donques aſcun home que voit, deins lan procheine enſuant le offence, poit ſuer un Brief appel *Decies tantum* envers luy ou ceux que iſſint priſt pur lour Verdict dire. Et pur ceo que ceſt Action neſt done al un home ſpecialment, mes generalment al aſcun des les people del Roy que voit ſuer, il eſt appel un *Act' popular.* Mes en cel caſe quand un avoit commence de pur ſuer cel Act', nul aut' poit ce ſuer, & en ce, come ſemble, cel vary del act' popul' per le civil ley.

Solonque le Stat. 1 *H.* 8. *c.* 4. eſt enact, que en tours

Actions perſonal, information ſerra fait deins trois ans puis le Offence commit, autrement d'eſtre de nul vigour.

Actions real.

ACtions *real* ſont tiels Actions per queux le Demandant claime title al aſcun Terres ou Tenements, Rents, ou Commons, en fee-ſimple, fee-tail, ou pur terme de vie. Cheſcun action real eſt ou poſſeſſorie, ceſtaſcavoir, de ſon poſſeſſion ou ſeiſin demeſne; ou anceſtrel, *ſc.* del ſeiſin ou poſſeſſion de ſon anceſtor. *Co. l. 6. f. 3.*

Acton Burnel.

ACton *Burnel* eſt un Eſtatute fait 13 *E. 1. Ann.* 1285. ordainant le Statute-Merchant; & fuit iſſint appelle pour ceo que il fuit fait al *Acton Burnel*, un Chateau en le Counte de *Salop*, ancienment apperteignant al famille de *Burnel*.

Acts.

ACts de Parlement ſont Leys poſitive que conſiſt de deux parts, c'eſt a dire, de les parolx del Act, & del ſenſe de ceo; & ils ambideux joynt enſemble font la Ley.

Additions.

ADdition eſt ceo que eſt done al home ouſter ſon proper noſme & ſurnoſme, c'eſt a dire, pur monſtrer de quel Eſtate, Degree, ou Myſtery il eſt, & de quel Vill, Hamlet, ou County.

Additions de Eſtate ſont ceux, Yeoman, Gentleman, Eſquire, & tiels ſemblables.

Actions perſonal, Information ſhall be given within three Years after the Offence committed, otherwiſe to be of no Force.

Actions real.

ACtions real are ſuch Actions whereby the Demandant claims Title to any Lands or Tenements, Rents or Commons, in Fee-ſimple, Fee-tail, or for Term of Life. Every Action real is either Poſſeſſory, that is, of his own Poſſeſſion or Seiſin; or Anceſtrel, ſcil. of the Seiſin or Poſſeſſion of his Anceſtor. Co lib. 6. f. 3.

Acton Burnel.

ACton Burnel is a Statute made 13 E. 1. Ann. 1285. ordaining the Statute-Merchant; and was ſo called becauſe it was made at Acton Burnel, a Caſtle in Shropſhire, anciently belonging to the Family of Burnel.

Acts.

ACts of Parliament are poſitive Laws, which conſiſt of two Parts, that is to ſay, of the Words of the Act, and of the Senſe; and they both joined together make the Law.

Additions.

ADdition is that which is given to a Man beſides his proper Name and Surname, that is to ſay, of what Eſtate, Degree, or Myſtery he is, and of what Town, Hamlet, or County.

Additions of Eſtate are theſe Yeoman, Gentleman, Eſquire, and ſuch like.

Additions of Degree are those which we call Names of Dignity; as Knight, Earl, Marquels, Duke.

Additions of Myſtery are Scrivener, Painter, Maſon, Carpenter, and all other of like Nature: For Myſtery is the Craft or Occupation whereby a Man gets his Living.

Additions of Towns, as Sale, Dale; and ſo of the reſt.

And where a Man hath a Houſhold in two Places, he ſhall be ſaid to dwell in both of them; ſo that his Addition in one of them may ſuffice.

By the Stat. An. 1 H. 5. c. 5. it was ordained, That in Suits or Actions where Proceſs of Utlary lies, ſuch Additions ſhould be to the Name of the Defendant, to ſhew his Eſtate, Myſtery, and Place where he dwells; and that ſuch Writs ſhall abate, if they have not ſuch Additions, if the Defendant take Exception thereto; but they ſhall not abate by the Office of the Court.

Alſo Duke, Marquels, Earl, or Knight, are none of thoſe Additions, but Names of Dignity, which ſhould have been given before the Statute.

And this was ordained by the ſaid Statute, to the Intent that one Man might not be grieved or troubled by the Utlary of another: But that by Reaſon of the certain Addition, every Man might be certainly known, and bear his own Burden.

In Original Writs, where Exigent ſhall be awarded, Addition of the Defendant's Name ſhall be inſerted, but ſurpluſage

Additions de degree ſont ceux que nous appelomus noſmes de Dignity; come Chivalier, Count, Marqueſs, Duc.

Additions de Myſtery ſont ceux, Scrivener, Painter, Maſon, Carpent', & touts aut's de ſemblable nature: Car Myſtery eſt le craft ou Occupation per que home gain ſon living.

Addition de Villes, come *Sale*, *Dale*; & iſſint de les auters.

Et lou un home ad houſhold en deux lieux, il ſerra dit demurrer en ambideux; iſſint que ſon Addition en un de eux ſuffiſt.

Fuit ordeine per le Statute *An.* 1 *H.* 5 *c.* 5. que en Suits ou Actions ou proceſs de Utlagare giſt, tiels Additions ſerra al noſme del Defend', a declarer ſon eſtate, myſtery, & lieu ou il inhabit; & que tiels Briefs abateront, ſils ne ount tiels Additions, ſi le Defendant priſt exception a ceo; mes ils ne abateront per office del Court.

Auxy, Duke, Marquis, Counte, ou Chivaler, ne ſont pas de ceux additions, mes noſmes de Dignity, queux duiſſoint aver eſtre done devant le Statute.

Et ceo fuit ordeine per le dit Statute, al intent que un home ne ſerroit grieve ne trouble per le Utlagarie de un auter: Mes que per reaſon de le certain Addition, cheſcun home poit eſtre certainment conus, & porter ſa burden demeſne.

En Original Briefs lou Exigent ſerra agard, addition de noſme des Defendant ſerra inſert, mes ſurpluſage del ad-

dition ne noyera. Vid. *Raſt. fol.* 107, 280. *Stat.* 8 *H.* 6. *c.* 12 9 *H.* 8. *c.* 4. 5 *El. c.* 23. *Vet. Nat Brev.* 162. Vide 8 *Rep. Blackmore's Caſe.*

of the Addition ſhall not prejudice. See Raſt. f. 107, 280. Stat. 8 H. 6 c. 12. 9 H. 8. c. 4. 5 El. c. 23. Vet. Nat. Brev. 162. See 8 Rep. Blackmore's Caſe.

Ad inquirendum.

AD *inquirendum* eſt un Brief Judicial, commandant Inquiry de eſtre fait de aſcun choſe concernant uné Cauſe pendant en Courts le Roy, pour le meillour Execution de Juſtice, come de Baſtardy, & tielx ſemblable; dont pouvez veier grand diverſite en la Table del Regiſter Judicial, *verbo* Ad inquirendum.

Ad inquirendum.

AD inquirendum is a Writ Judicial, commanding Inquiry to be made of any Thing touching a Cauſe depending in the King's Courts, for the better Execution of Juſtice, as of Baſtardy, and ſuch like; of which you may ſee great Diverſity in the Table of the Regiſter Judicial, verbo *Ad inquirendum.*

Adjournment.

A*Djournment* eſt, quand aſcun Court eſt diſſolve & determin a preſent, & aſſigne deſtre garde arreare al auter lieu ou temps, & (moy ſemble) eſt compound de deux parols (*ad*, ou *al*, & *jour.*)

Adjournment.

ADjournment is, when any Court is diſſolved and determined for the preſent, and aſſigned to be kept again at another Place or Time, and (methinks) is compounded of two Words (ad, or al, and jour.)

Adjudication.

A*Djudication* eſt un donant per judgment, un Sentence ou Decree: Iſſint nous dicimus, il fuit adjudge pur le Plaintiff, *&c.*

Adjudication.

ADjudication is a Giving by Judgment, a Sentence or Decree: Thus we ſay, it was adjudged for the Plaintiff, &c.

Admeaſurement de Dower.

A*Dmeaſurement de Dower* eſt un Brief que giſt lou un feme eſt endow per un Infant ou per un Gardein de pluis que devoit aver; le Heir en tiel caſe avera ceſt Brief, per quel la feme ſerra admeaſure, & le Heir reſtore a le ſurpluſage. Mes ſi un abate, c'eſt a dire, un que nad droit enter apres le mort de baron, & endow le feme de ceſtuy que eſt mort de pluis que doit

Admeaſurement of Dower.

ADmeaſurement of Dower is a Writ that lies where a Woman is indowed by an Infant or by a Gardian, of more than ſhe ought to have; the Heir in ſuch Caſe ſhall have this Writ whereby the Woman ſhall be admeaſur'd, and the Heir reſtor'd to the overplus. But if one abate that is, one who hath no Right enter after the Death of the Husband, and indow the Wife of him that is dead, of more than ſhe

ſhe ought to have, the Heir ſhall not have this Writ, but Aſſiſe de Mortdanceſtor, againſt the Woman: And if ſhe plead that ſhe was indowed of the Land as of the Freehold of her Husband, the Heir ſhall ſhew how ſhe was indowed by the Abator, and that ſhe had more than ſhe ought to have, and ſhall pray that he may be reſtor'd to the Surpluſage; and if it be found, he ſhall be reſtor'd.

Admeaſurement of Paſture.

ADmeaſurement of Paſture is a Writ that lies where many Tenants have Common Appendant in another Ground, and one over-charges the Common with many Beaſts: Then the other Commoners may have this Writ againſt him. And alſo it may be brought by one Commoner only: But then it ought to be brought againſt all the other Commoners, and againſt him that ſurcharged, for that all the Commoners ſhall be admeaſured.

And this Writ lies not againſt him nor for him that hath Common Appurtenant, or Common in Groſs; but thoſe who have Common Appendant, or Common becauſe of Vicinage.

See the Diverſity of all theſe Commons afterwards in the Title of Common.

Alſo this Writ lies not for the Lord, nor againſt the Lord, but the Lord may diſtrain the Beaſts of the Tenant that are ſurpluſage. But if the Lord overcharge the Common, the Commoner hath no Remedy by the Common Law, but an Aſſiſe of his Common.

aver, le Heir navera ceſt Brief, mes *Aſſiſe de Mortdanceſtor*, vers la feme: & ſi el plede que el fuit endow de ceo terre come del Franktenement ſa baron, le Heir monſtre coment el fuit endow per le Abator, & que el ad pluis que devoit aver, & priera que il ſoit reſtore al ſurpluſage; & ſi ſoit trove, il ſerra reſtore.

Admeaſurement de Paſture.

A *Dmeaſurement de Paſture* eſt un Brief, que giſt lou pluſors Tenants ont Common append' en auter terre, & un ſurcharge le Common ove pluſors avers: Donques lauters Commoners point aver ceſt Brief vers luy. Et auxy poit eſtre port per un Common' ſolement: Mes donques covient eſtre port vers touts lauters Commoners & vers ceſtuy que ſurcharge, pur ceo que touts les Commoners ſerront admeaſures.

Et ceo Brief ne giſt vers luy ne pur luy que ad Common appurtenant, ou Common in groſs; mes ceux que ont Common appendant, ou Common pur cauſe de vicinage.

Vide le diverſity de tout ceux Commonsapres en le title de *Common*.

Auxy ceſt Brief ne giſt per le Seignior, ne vers le Seignior, mes le Seignior poit diſtrain les avers le Tenant que ſont ſurpluſage. Mes ſi le Seignior ſurcharge le Common, les Commoners nont Remedy per le common Ley, mes un Aſſiſe de ſon Common.

Adminiſtrator.

Adminiſtrator eſt celuy a que le Ordinary commit le adminiſtration des biens le mort pur default de Executor, & un Action giſer' vers luy, & pur luy, come pur Executor, & ſerra charge jeſques al value des biens le mort, & nient ouſter, ſil ne ſoit per ſon faux Plea, ou pur ceo que il ad waſt les biens le mort. Si le Adminiſtrator devie, ſes Executors ne ſont Adminiſtrators, mes covient al Ordinary de comitter novel adminiſtration. Et ſi un eſtrange, que neſt Adminiſtrator ne Executor, priſt les biens del mort, & adminiſter de ſon tort demeſne, il ſerra charge & ſue come Executor, & nemy come Adminiſtrat', en aſcun Action que eſt port vers luy per aſcun Creditor. Mes ſi le Ordinary fait un Brief *ad colligendum bona defuncti*, celuy que ad tiel Lett' neſt Adminiſtrator, mes le Action giſt vers le Ordinary, auxy bien come ſil priſt le biens en ſon main demeſne, ou per le main de aſcun de ſes ſervants per aſcun auter commandment.

Eſt auxy un auter ſort de Adminiſtrator, lou un fiſt ſon volunt, & fiſt un infant diens age de 17 ſon Executor. Le Eveſque commit adminiſtration al aſcun amy durant le nonage de le Executor, quel Adminiſtrat', ſil ſue, ne count que le mort devy inteſt'. Quel adminiſtration ceſſa quand le enfant eſt 17 ans de age.

Adminiſtrator.

A Dminiſtrator is he to whom the Ordinary commits the Adminiſtration of the Goods of a dead Man for Default of an Executor, and an Action ſhall lie againſt him, and for him, as for an Executor, and he ſhall be charged to the Value of the Goods of the dead Man, and no farther, unleſs it be by ſome falſe Plea, or by waſting the Goods of the Dead. If the Adminiſtrator die, his Executors are not Adminiſtrators, but it behoves the Ordinary to commit a new Adminiſtration. And if a Stranger that is not Adminiſtrator, nor Executor, take the Goods of the dead, and adminiſter of his own Wrong, he ſhall be charged and ſued as an Executor, and not as Adminiſtrator, in any Action brought againſt him by any Creditor. But if the Ordinary make a Letter ad colligendum bona defuncti, he that hath ſuch a Letter is not Adminiſtrator, but the Action lieth againſt the Ordinary, as well as if he take the Goods in his own Hand, or by the Hand of any of his Servants by any other Commandment.

There is alſo another Sort of Adminiſtrator, where one makes his Will, and makes an Infant under the Age of 17 his Executor. The Biſhop commits Adminiſtration to ſome Friend during the nonage of the Executor, which Adminiſtrator, if he ſue, does not declare that the deceaſed died inteſtate. Which Adminiſtration ceaſes when the Infant is 17 Years old.

Ad

Admiral.

ADmiral is a high Officer that has the Government of the King's Navy, and the hearing and determining of all Causes, as well Civil as Criminal, belonging to the Sea; and to that Purpose hath his Court called the Admiralty. He may cause his Citation to be served upon the Land, and take the Party's Body or Goods in Execution upon the Land.

Also he hath Cognizance of the Death or Maihem of a Man, committed in any great Ship fleeting in great Rivers in the Realm, beneath the Bridges of the same next the Sea.

Also to arrest Ships in the great Streams for the Voyages of the King and Realm; and hath Jurisdiction in the said Streams during the same Voyages.

Admission.

ADmission is when the Bishop upon Examination, admits a Clerk to be able, and says, Admitto te habilem. Co. Litt. 234. a.

Admittendo Clerico.

ADmittendo Clerico is a Writ granted to him who hath recovered his Right to a Presentation against the Bishop in the Com. B. See the Form of it in Fitz. Nat. Brev. 38. and Reg. Orig. 33. a.

Ad quod damnum.

AD quod Damnum is a Writ which ought to be sued before the King grant certain Liberties, as a Fair, Market, or such like, which may be prejudicial to others. And thereby it

Admiral.

A *Dmiral* est un haut Officer que ad le Regiment de la Navy del Roy, & l' auditon & termination de tout Causes, cybien civil come criminel, appurrenant al Mere; & pur ceſt purpose il ad son Court appel le *Admiralty*. Il poit causer son Citation destre serve sur le Terre, & prender le corps del party ou biens en Execut' sur Terre.

Item il ad Cognisance del mort ou maihem de un home, fait en ascun grand Nief fleetant en grand Rivers en le Realm, debase les Ponts de eux prochein al Mere.

Auxy pur arrest Niefs en les grand Streams pur les voiages del Roy & Realm; & ad jurisdiction en les dits Streams durant mesmes Voiages.

Admission.

A *Dmission* est quand l' Evesque sur examination admit un Clerke d' estre capable, & dit, *Admitto te habilem*. Co. *Litt.* 234. *a*.

Admittendo Clerico.

A *Dmittendo Clerico* est un Brief grant a celuy que avoit recovet son droit al Presentation vers le Evesque en le *Com. B.* Veies le Form de ceo en *Fitz. Nat. Brev* 38. & *Reg. Orig.* 33. *a*.

Ad quod damnum.

A *D quod Damnum* est un Brief que doit estre sue devant le Roy grant certain Liberties, come Faire, Market, ou tielx semblables, queux poient estre prejudicial al aut'. Et

per

per ceo ſerra inquire ſi ſerroit prejudice a granter eux, & a que ſerra prejudicial, & que prejudice ent aviendra.

Eſt auxy un auter Brief de *Ad quod damnum*, ſi un voil divert un common chymin, & faire un novel chymin cy beneficial. Ambideux queux (coment trove deſtre nient prejudicial) poiët eſtre travers en auter Action, coment que le Roy ad fait ſon grant purſuant al Verdict del Jury.

Advent.

Advent eſt un temps que contein environ un moys prochein devant le Feaſt del Neſtre de noſtre Saviour Chriſt; & pur ceo vocat' *Preparatio ſancta in adventum Domini.* En que noſtre Anceſtors ont repoſe grand reverence pur le propinquity d' cel ſolemn Feaſt, iſſint que tours Suits en Ley ſueront donques remit pur un ſeaſon. Pur quoy la fuit un Statute ordein, *Weſt.* 1. *c.* 48. que nient obſtant le dit Solemnity, puit eſtre Loyal, en reſpect de Juſtice & Charity a prender Aſſiſes de *Novel diſſeiſin* & *Darreine preſentment*, en le temps *ae Advent*, *Septuageſima*, & *Quadrageſima*. C'eſt un des temps de le commencement de quel uſque a les Octaves de l'Epiphany le ſolemnizing de Eſpouſals ſont prohibit deſtre ſolempnize ſans eſpecial Licence, accordant a les Verſes:

Conjugium Adventus *prohibet*,
Hilarique *relaxat*:
Septuagena *vetat*, *ſed* Paſchæ
Octava reducit.
Rogatio *vetitat*, *concedit*
Trina poteſtas.

ſhall be inquired if it ſhould be a Prejudice to grant them, and to whom it ſhall be prejudicial, and what prejudice ſhall come thereby.

There is alſo another Writ of Ad quod damnum, if any one will turn a common Highway, and lay out another Way as beneficial. Both which (tho' not found to be prejudicial) may be traverſed in another Action, although the King hath made his Grant purſuant to the Verdict of the Jury.

Advent.

ADvent is a Time which contains about a Month next before the Feaſt of the Nativity of our Saviour Chriſt; and therefore called a holy Preparation againſt the coming of our Lord. In which our Anceſtors repoſed great Reverence for the Nearneſs of that ſolemn Feaſt; ſo that all Suits in Law were then remitted for a Seaſon: Wherefore there was a Statute ordained, Weſtm. 1. cap. 48. that, notwithſtanding the ſaid Solemnity, it might be lawful, in Reſpect of Juſtice and Charity, to take Aſſiſes of Novel diſſeiſin and Darreine Preſentment, in the Times of Advent, Septuageſima, and Lent. This is one of the Times from the Beginning of which until the Octaves of Epiphany, the ſolemnizing of Marriages is prohibited to be ſolemnized without ſpecial Licenſe, according to the Verſes:

Advent all Marriage forbids,
Hilary's Feaſt to Nuptials tends:
And *Septuagint* no Wedding rids,
Yet *Eaſter* Octaves that amends.
Rogation hinders haſty Loves,
But *Trinity* that Let removes.

But

But the Biſhop may diſpenſe with a Marriage within theſe Times, and it is good.

Ad ventrem inſpiciendum.

AD ventrem inſpiciendum is a Writ mentioned in the Stat. of Eſſoins, An. 12. Ed. 2.

Advocatione decimarum.

ADvocatione decimarum is a Writ which lies for claiming the fourth Part or more of Tithes which belong to the Church. Reg. of Writs, fol. 29 b.

Advowſon.

ADvowſon is, where a Man and his Heirs have a Right to preſent their Clerk to a Parſonage, or other ſpiritual Benefice, when it becomes void. And he which hath ſuch Right to preſent is called Patron.

In groſs is when one is ſeiſed of it only by it ſelf. And there is an Advowſon appendant to a Manor, or to a Rectory; and this may be ſold by it ſelf, and then it is in groſs, and is ſevered from the Manor and Rectory.

Affeerors.

AFfeerors are ſuch as be appointed in Court-Leets, &c. to mulct thoſe who have committed any Fault which is arbitrably puniſhable, and for which no expreſs Penalty is preſcribed by Statute. You may ſee the Form of their Oath in Kitchin, fol. 46. If the Jurors in the Leet receive the Articles, and being commanded to anſwer to them, and preſent, they refuſe ſo to do, then they ſhall be amerced; yet the Amerciament of every Juror ſhall be affeered according to his Offence. So in Aſſiſe of

Mes l'Eveſque poit diſpenſe ove un Marriage deins ceux temps, & ceo eſt bien.

Ad ventrem inſpiciendum.

A*D ventrem inſpiciendum* eſt un Brief mention en le Stat. de Eſſoins, *An.* 12. *Ed.* 2.

Advocatione decimarum.

A*Dvocatione decimarum* eſt un Brief que giſt pur le claimer de quart part ou pluis de diſmes que appertienont al Egliſe. *Reg. Brev. fol.* 29. b.

Advowſon.

A*Dvowſon* eſt, lou un home & ſes heirs ont droit de preſenter lour Clerk al un Parſonage, ou aut' Eſpiritual Benefice quand il devient void. Et celuy que ad tiel droit de preſenter eſt appel *Patron.*

En groſs eſt lou home eſt ſeiſie de ceo ſolement per luy meſme. Et eſt Advowſon appendant al un Manor ou al un Rectory, & ceo poit eſtre vend per luy, & tunc eſt en groſs & ſever del Manor & Rectory.

Affeerors.

A*Ffeerors* ſont tiels que ſont deſigne en Court-leets, *&c.* a mulcter tiels que ont commit aſcun peche que eſt arbitrablement puniſhable, & pur quel nul expreſſe penalty eſt preſcribe per Statute. Poies veier le form de lour Serement en *Kitch. fo.* 46. Si les Jurors en un Leet recevont les Articles, & eſteant command a reſponder al eux, & preſent, ils refuſe iſſint a faire, donque ils ſerront amercie; uncore l'amerciament de cheſcun Juror ſerra affeere ſolonque a

ſon

ſon offence. Iſſint en aſſiſe de *Novel diſſeiſin*, touts les Diſſeiſors ſerront amercie, & cheſcun ſerra affeera per luy. Mes ſi un Ville ſoit amercie, la l'Affeerance ſerra general, car la neſt aſc' certain perſonne noſme, come en les caſes paravant dit. Et ſi un Jury en un Leet taxe un amerciament, ceo ſuſſiſt ſans aſcun affeerment, car le amerciament eſt le act del Court, & le affeerment le act del Jury. *Co. lib. 8. f. 39, 40. b. & lib. 11. Golfrey's Caſe.*

Novel diſſeiſin all the Diſſeiſors ſhall be amerced, and every one ſhall be affeered by himſelf. But if a Town be amerced, there the Affeerance ſhall be general, for there is not any certain Perſon named, as in the Caſes afore-ſaid. And if a Jury in a Leet tax an Amerciament, this ſuffices without any Affeerment; for the Amerciament is the Act of the Court, and the Affeerment is the Act of the Jury. Co. lib. 8. fol. 39, 40. b. & lib. 11. Godfrey's Caſe.

Affiance.

Affiance eſt le plight del foy ent' home & feme ſur un agreement dun Marriage deſtre ſolemnize entre eux; & *affidare*, de quel ceſt parol eſt derive, eſt tant a dire come *fidem ad alium dare.* Et ceſt parol *Affiance* eſt uſe per *Littleton, chap.* de *Dower, Sect.* 39.

Affiance.

Affiance is the plighting of Troth betwixt a Man and a Woman upon the Agreement of a Marriage to be had between them; and affidare, from whence this Word is derived, is as much as fidem ad alium dare. And this Word Affiance is uſed by Littleton, chap. Dower, Sect. 39.

Affirmare.

Affirmare ſignifie a ratifier ou confirmer un prior Ley ou Judgment.

To affirm.

Affirm ſignifies to ratifie or confirm a former Law or Judgment.

Afforeſt.

Afforeſt eſt converter terre en Foreſt. *Charea de Foreſt. cap. 1. & 30. An. 9. H. 3.*

Afforeſt.

Afforeſt is to turn Ground into Foreſt. Charta de Foreſtra. cap. 1. & 30. Anno 9. H. 3.

Affray.

Affray venuſt del parol Francois (*effrayer*) que ſignifie *terrere* ſive *horrificare*; & iſſint un Affray poit eſtre ſans parol ou buffe done, & iſſint ceſt parol eſt uſe en le Stat. de *North. 2. E. 3. c. 3.* Mes en noſtre livres ceſt parol eſt pluis foirs confound ove le parol *Aſſault*, come appiert per *Lambard* en ſon *Eirenarch. lib. 1. c.*

Affray.

Affray comes of the French Word (effrayer) which ſignifies to affright or ſcare; therefore an Affray may be without Word or Blow given, and ſo this Word is uſed in the Statute of North. 2. E. 3. cap. 3. But it is in our Books many times confounded with the Word Aſſault, as it appeareth by Lambard in his Eirenarch. lib. 1. cap. 17. Wet-

as it is there ſaid, they differ in this, that an Aſſault is but a Wrong to the Party, but an Affray is a Wrong to the Commonwealth: And therefore an Affray is inquirable and puniſhable in a Leet. Alſo an Aſſault is made moſt commonly but on one Side; but an Affray is the fighting of many together.

Agent and Patient.

AGent and Patient is, when a Man is the Doer of a thing and the Party to whom it is done; as where a Woman endows her ſelf of the faireſt Part of the Poſſeſſion of her Husband. So if a Man hath 10 Pounds iſſuing out of certain Land, and he diſſeiſes the Tenant of the Land, in an Aſſiſe brought by the Diſſeiſee, the Diſſeiſor ſhall recoup the Rent in the Damages; ſo that where the mean Profits of the Land in ſuch Caſe were to the Value of 13 l. the Diſſeiſee ſhall recover but three Pounds. Alſo if a Man be indebted to another, and after makes the Party to whom he is ſo indebted his Executor, and dies, the Executor may retain ſo much of the Goods of the Dead in his Hands as his own Debt amounts to: and by this Retainer he is the Agent and the Patient, that is, the Party to whom the Debt is due, and the Party that pays the ſame.

But a Man ſhall not be Judge in his own Caſe, as is reſolved, Coke lib. 8. fol. 118. in Bonham's Caſe, That the Cenſors cannot be Judges, Miniſters, and Parties; Judges to give Sentence or Judgment, Miniſters to make Summons, and Parties to have the Half of the Forfeiture. And

17. Mes uncore, come eſt la dit, ils differont en ceo, que un Aſſault neſt forſque un tort al party, mes un Affray eſt un tort al bien publique: & pur ceo un Affray eſt inquirable & puniſhable en un Leet. Auxy un Aſſault eſt fait plus toſt forſque ſur lun part; mes un Affray eſt le combatre de pluſors enſemble.

Agent & Patient.

AGent & Patient eſt, quand un home eſt le feaſor de un choſe, & le partie a que il eſt fait; come lou feme endow luy meſme de la pluis belle part de poſſeſſion de ſa baron. Iſſint ſi home ad dixe livers iſſuant hors de certain terre, & il diſſeiſe le Tenant del terre, en Aſſiiſe port per le Diſſeiſee, le Diſſeiſor recoupera le Rent en le Damages; iſſint que ou le meſne profits del terre en tiel caſe fueront al value de 13 livres, le Diſſeiſee recovera forſque trois livres, Auxy ſi un home ſoit endet a un auter, & puis fait le partie a que il eſt iſſint endette ſon Executor, & moruſt, le Executor poit retain tant des biens del mort en ſes mains come ſon Dette demeſne amountera; & per ceo deteiner il eſt le *Agent* & le *Patient*, ceſtaſcavoir, le partie a que le Dette eſt due, & le partie que ceo paya.

Mes home ne ſerra judge en ſon cauſe demeſne come eſt reſolve, *Coke lib. 8. fol. 118.* en *Bonham's* Caſe, Que les Cenſors ne poyent eſtre Judges, Miniſters, & Parties; Judges a doner ſentence ou judgment, Miniſters a fair ſummons, & Parties de aver

le

le moiety del forfeiture. Et comment que Act de Parliament done a aſcun, a tener ou de aver conuſans de touts manners des Pleas devant luy ſurdant deins ſon Manor de *D.* uncore il tenera nul Plea a que il meſme eſt party; *Quia iniquum eſt aliquem ſuæ rei eſſe judicem.*

although an Act of Parliament yields to any one to hold or to have Conuſance of all Manner of Pleas ariſing before him within his Manor of D. yet he ſhall ho'd no Plea to which he himſelf is Party; Quia iniquum eſt aliquem ſuæ rei eſſe judicem.

Age prier.

AGE *prier* eſt, quand Action eſt port vers un Enfant, de Terre que il ad per diſcent, la il monſtra le matter al Court, & prayera que le Action demur tanque a ſon plein age de 21 ans, & iſſint per agarde de Court le Suit ſurceſſera.

Mes en Brief de Dower & en Aſſiſe, & auxy en tiels Actions lou le Infant eſt ſuppoſe a vener al Terre en demand de ſon tort demeſne, il navera ſa age.

Auxy nota, que ſont pluſors diverſities de Ages. Car le Seignior avera aide de ſon Tenant en Socage pur marrier ſa file, quand la file eſt del age de ſept ans: & aide pur faire ſon fits & heir Chivaler, quand il eſt del age de ſept ans.

Feme que eſt Eſpouſe al age de 9 ans, ſi ſa baron moruſt ſeiſie, avera Dower, & nemy devant.

Auxy 14 ans eſt le age de feme, que ne ſerra en Gard, ſi el fuit de tiel age al temps del mort ſon Anceſtor; mes ſi el fuit deins age de 14 ans, & en gard ſon Seignior, donques el ſerra en Gard tanque al age de 16 ans. Et 21 ans eſt le age de Heir male de-

Age prier.

AGE prier is when an Action is brought againſt an Infant for Land which he hath by Deſcent, there he ſhall ſhew the Matter to the Court, and ſhall pray that the Action may ſtay till his full Age of 21 Years, and ſo by Award of the Court the Suit ſhall ſurceaſe.

But in a Writ of Dower and in Aſſiſe, and alſo in ſuch Actions where the Infant is ſuppoſed to come to the Land demanded by his own Wrong, he ſhall not have his Age.

And note well, That there are many Diverſities of Ages. For the Lord ſhall have Aid of his Tenant in Soccage to marry his Daughter, when the Daughter is of the Age of 7 Years, and Aid to make his Son and Heir a Knight, when he is of the Age of 7 Years.

A Woman who is married at the Age of 9 Years, if her Huſband die ſeiſed, ſhall have Dower, and not before.

And 14 Years is the Age of a Woman, who ſhall not be in Ward, if ſhe were at ſuch Age at the Time of the Death of her Anceſtor; but if ſhe were within the Age of 14 Years, and in Ward to the Lord, then ſhe ſhall be in Ward till the Age of 16 Years. And 21 Years is the Age of the Heir ma-

ſo be in Ward, and after that out of Ward.

Alſo that is the Age of Male and Female to ſue and to be ſued for Lands, which they have or claim by Deſcent, and to make all Manner of Contracts and Bargains, and not before: But if ſuch an Infant within the Age of 21 Years gives his Goods, and the Donee take them, the Infant may have an Action of Treſpaſs: But otherwiſe it is if he deliver them himſelf. See Coke lib. 3. f. 13. a. l. 6 f. 3.

Agiſt.

AGiſt ſeems to come of the French Giſer (i. jacere) or of Giſter, (i. ſtabulari) a Word proper for Deer; and therefore Budæus lib. poſter. Philologiæ, ſays that Giſt idem eſt quod Luſtrum vel Cubile. And Agiſt in our Common Law ſignifies to take in and feed the Cattle of a Stranger in the King's Forests; and therefore thoſe Officers in the Foreſt that thus take in Cattel, and gather the Money for the Feed of them, are called Agiſtors, and the Feed or Herbage of the Cattle is called Agiſtment; which in a large ſignification extends to all manner of Common of Herbage of any kind of Ground, or Land, or Woods, or the Money that is due or received for the ſame, as well out of Foreſts as within them. See Manwood's Foreſt-Laws. part. 1. fo. 80.

Agreement.

AGreement is thus defined or expounded in Plowden's Commentaries: Agreamentum is compounded of two Words, viz. Aggregatio and Mentium, that is, Agreement of

ſtre en Gard, & apres ceo hors de Gard.

Et auxy il eſt le age de male & female de ſuer & deſtre ſue des Terres que ils ont ou claime per deſcent, & de faire touts manners de Contracts & Bargains, & nient devant: Mes ſi tiel Enfant deins age de 21 ans done ſes biens, & le Donee eux priſt, le Enfant poit aver un Action de Treſpaſs: Mes auterment il eſt ſil deliver eux. Vide *Co. l. 3. fol. 13. a. l. 6. f. 3.*

Agiſt.

A *Giſt* ſemble de vener del François *Giſer* (i. *jacere*) ou del *Giſter* (i. *ſtabulari*) un parol proper as Dames; & pur ceo *Budæus lib. poſter. Philologiæ.* dit que *Giſt idem eſt quod Luſtrum vel Cubile.* Et *Agiſt* en notre Common Ley ſignifie de prender eins & depaſture le avers d'un eſtranger deins les Foreſts le Roy; & pur ceo les Officers en le Foreſts, que en tiel manner prent eins avers, & collect les deniers pur le paſturage de eux, ſont appelle *Agiſtors*, & le paſturage & herbage de avers eſt appel *Agiſtment*; que en un large ſignification extend al touts manners del Common del Herbage de aſcun kind de terre, ou bois, ou les deniers que ſont due & receive pur ceo, cybien hors de Foreſts come deins eux. Vide *Manw.* Foreſt Leys. *cap.* 11. *f.* 80.

Agreement.

A *Greement* eſt en ceſt manner define ou expounde en *Plowden's* Commentaries: *Aggreamentum* eſt compound de deux parolx. ceſtaſcavoir, de *Aggregatio* & *Mentium*, c'eſt a dire,

dire, Agreement de ments. Iſſint que *Aggreamentum* eſt *Aggregatio mentium in re aliqua facta vel facienda*; & per le contraction de les deux parolx, *Aggregatio* & *Mentium*, & per le corrupt & brief parlance de eux, ils ſont fait un parol, ceſt-aſcavoir, *Aggreament'*, le quel neſt aut' choſe que un union, copulation, & conjunction de deux ou pluſors ments in aſcun choſe fait ou deſtre fait. (Veies apres en *Teſtament.*) Et ceſt agreement eſt en 3 manners.

Le primer eſt un agreement execut' en fait al commencement.

Le ſecond eſt un agreement puis un act fait per auter, & eſt un agreement executed auxy.

Le tierce eſt un agreement executory, ou deſtre fait en temps uncore avenir.

Le primer que eſt un agreement executed en fait al commencement, eſt tiel de que mention eſt fait en le Stat. de 25 *E.* 3. *cap.* 3. de Pannis, en le quart Stat', que dit, que les biens & choſes achates per Foreſtallers, que de ceo ſerront attraints, ſoient forfeits al Roy, ſi le achator ent uſt fait gree al vendor. En quel caſe ceſt parol (*gree*) que eſt auterment appel agreement, ſerra entende agreement execute, *viz.* payment pur les choſes.

Le ſecond manner de agreement eſt. lou un fait un choſe ou act, & un auter agree ou aſſent a ceo apres: Come ſi un fait Diſſeiſin a mon uſe, & apres jeo agree a ceo, ore jeo ſerra Diſſeiſor ab initio. Et tiel agreement eſt un agreement puis un act fait.

Minds. So that Agreement is a Conſent of Minds in ſome Things done or to be done; and by drawing together the two Words, Aggregatio and Mentium, and by the haſty and ſhort Pronouncing of them, they are made one Word, to wit, Agreamentum, which is no other than a joining, coupling, and knitting together of two or more Minds in any Thing done or to be done. (See after in Teſtament.) And this Agreement is in three Manners.

The firſt is an Agreement executed already at the beginning.

The ſecond is an Agreement after an Act done by another, and is an Agreement executed alſo.

The third is an Agreement executory, or to be done in Time yet to come.

The firſt, which is an Agreement executed already at the beginning, is ſuch whereof mention is made in the Stat. of 25 E. 3.c.3. of Clothes, in the 4th Stat. which ſaith, That the Goods and Things bought by Foreſtallers, being thereof attainted, ſhall be forfeit to the King, if the Buyer have made Gree with the Seller. In which Caſe the Word (Gree) which is otherwiſe called Agreement, ſhall be extended to Agreement executed, that is, Payment for the Things.

The ſecond Manner of Agreement is, where one doth a Thing or Act, and another agrees or conſents thereunto afterwards: as if one makes a Diſſeiſin to the Uſe, and afterwards I agree to it, now I ſhall be a Diſſeiſor from the Beginning. And ſo an Agreement is an Agreement after an Act done.

The third Agreement is, when both Parties at one Time are agreed that such a Thing shall be done in Time to come: And this Agreement is executory, in as much as the Thing shall be done after, and yet there their Minds agreed at one Time. But because the Performance shall be afterward, and the Thing upon which the Agreement was made remains to be done, that Agreement shall be called Executory. And that the Stat. of 26 H. 8 c. 3. doth prove, which saith, That every Vicar, Parson, and such like, &c. before their actual Possession or medling with the Profits of their Benefices, shall satisfy, content, &c. or agree to pay to the Use of the King the First-Fruits, &c. and if any such Parson or Vicar, &c. enter in actual Possession, &c. this Agreement is to be understood Executory, as Common Usage proves: For it is used, That he, with one or two with him, do make two or three Obligations, for it is to be paid at certain Days after. And this Agreement Executory is divided into two Points: One is an Agreement executory which is certain at the beginning, as is said last before of the First-fruits.

The other is, when the Certainty doth not appear at the first, and the Parties are agreed that the Thing shall be performed or payed upon the Certainty known: As if one sell to another all his Wheat in such a Bay of his Barn unthreshed, and it is agreed between them, that he shall pay for every bushel 3 s. when it is threshed, clean and measured.

Le tierce agreement est quant ambideux parties a un temps, sont accords que tiel chose serra fait en temps avenir: Et ceo agreement est executorie, entant que le chose serra fait apres, & uncore la lour ments accord a un temps. Mes entant que le performance serra apres, & isſint le chose sur que l'agreement fuit fait remaine a faire, ceo agreement serra dit executorie. Et ceo le Stat. 26 *H.* 8. *cap.* 3. prove, ou il dit, Que chescun Vicar, Parson, & autiels, &c. devant lour actual possession ou medling ove les profits de lour Benefice, satisfiera, contentera, &c. ou agreera a payer al use le Roy les prime fruits, &c. Et si ascun tiel Parson, Vicar, &c. ent' en actual possession, &c. ceo agreement est destre entend executorie, come le common usage prove: Car est use que il, ove un ou deux ove luy, fait deux vel trois Obligations pur ceo destre pay en certain jours apres. Et cest agreement executory est divide en deux points: Un est agreement executory que est certain al commencement, come est dit darrein devant del Primier-fruits.

Lauter est, lou le certainty ne appiert al primes, & les parties sont accords que le chose serra perform ou pay sur le certainty conus: Come si un vende al auter tout son Wheat en tiel tasse en son Barn nient thresh, & il est agree parent' eux, que il payera pur chescun Bushel 3 *s.* quant il est thresh, clean & measure.

Aide.

AID *pryer* eſt un Juſtification del Title per le aſſiſtance d'auters en joynant ove luy, come quand Tenant a term de vie, Tenant en dower, Tenant per le curteſie, ou Tenant en taile apres poſſibility de iſſue extinct, eſt emplede; donque pur ceo que ils nont eſtate forſq; pur terme de vie, ils prieront Aide de ceſtuy en le Reverſion, & Proceſs ſerra fait per Brief vers luy, de vener & pleder ove le Tenant in defence del Terre, ſi voile: Mes ils covient que ils accord en Plea, car ſils varie, le Plea le Tenant ſerra priſe, & donques l'aid-prier eſt en vain; mes ſil ne vient al ſecond Brief, le Tenant reſpondera ſole.

Auxy Tenant pur ans, Tenant a volunt, Tenant per *Elegit*, & Tenant per Statute-Merchant averont aid de ceſtuy en le Reverſion; & le Servant & Baily de lour Maſter, quand ils ont fait aſcun choſe loyalment en le droit lour Maſter, averont Aid.

C'eſt parol eſt aſcun foits apply al Subſidies, come en 14 *E.* 3. *Stat.* 2. *cap.* 1. Auter foits a un Preſtation due de les Tenants a lour Seigniors; come pur relief due al Seignior paramount, ou pur le feiſance de ſon fits Chival', ou pur l'eſpouſing de ſa file. *Glan. l.* 9. *cap.* 8.

C'eſt Aid le Roy, ou auter Seign' per l'ancient Ley de *Angleterre*, puit giſer ſur lour Tenants, pur fair ſon fits Chival' al age de 15 ans, & eſpouſer ſa file al age de 7 ans, *Reg. Orig. f.* 87. *a.* & a quel rate ils pleiront. Mes le Stat. de *Weſt.* 1.

Aid.

AID pryer is the Juſtification of a Title by the Aſſiſtance of others in joining with him, as when a Tenant for Term of Life, Tenant in Dower, Tenant by Courteſie, or Tenant in Tail after Poſſibility of Iſſue extinct, is impleaded; then, for that they have no Eſtate but for Term of Life, they ſhall pray in Aid of them in the Reverſion, and Proceſs ſhall be made by Writ againſt him, to come and plead with the Tenant in the defence of the Land, if he will: But it behoves that they agree in the Plea; for if they vary, the Plea of the Tenant ſhall be taken, and then the Aid-prayer is void; but if he come not at the 2d Writ, then the Tenant ſhall anſwer ſole.

Alſo Tenant for Years, Tenant at Will, Tenant by Elegit, and Tenant by Statute-Merchant, ſhall have Aid of him in the Reverſion; and the Servant and Bailiff of their Maſter, when they have done any thing lawfully in the Right of their Maſter, ſhall have aid.

The Word is ſometimes applied to Subſidies, as in 14 E. 3. Stat. 2. cap. 1 Other Times to a Preſtation due from the Tenants to their Lords; as for Relief due to the Lord paramount, or for the making of his Son a Knight, or for marrying of his Daughter. Glan. lib. 9. c. 8.

This Aid the King or other Lord by the ancient Law of England, may lay upon their Tenants to make his Son Knight at the Age of 15 Years, and to marry his Daughter at the Age of 7 Years, Reg Orig. fol. 87. a. and that at what Rate they pleaſe.

But

But the Stat. of West. 1. made An. 3. Ed. 1. ordained a Restraint for any great or large Demand made by Common Persons, being Lords, in this Case, and hath tied them to a certain Rate; and the Stat. of 25 Ed 3 Stat. 5 c. 11. provides that the Rate which is appointed by the former Stat. shall be held in the King as well as in other Lords.

Aid of the King.

AID of the King is in like Case as it is said before of a Common Person, and in many other Cases where the King may have Lois, although the Tenant be Tenant in Fee-simple, he shall have Aid; as if a Rent be demanded against the King's Tenant who holds in Chief, he shall have Aid, and so he shall not of a Common Person.

And where a City or Borough hath a Fee-farm of the King, and any thing is demanded against them which belongs to the Fee-farm, they shall have Aid for it of the King.

Also a Man shall have Aid of the King in the stead of Voucher. And the King's Bailiff, the Collector and the Purveyor shall have Aid of the King, as well as the Officers of other Persons.

Aile.

AILE is a Writ which lies where Land descends from the Grandfather to his Nephews, as the Son or Daughter of the Son of the Grandfather, the Father being dead before the Entry of him, and one abates, the Heir shall have against the Abator this Writ.

fait *An.* 3. *E.* 1. ordein un restraint pur ascun grand ou large demand fait per common person, esteant Seigniors, en c'est case, & ad lie eux a un certain rate. Et le Statute de 25 *E.* 3. *Stat.* 5. *c.* 11. provide, que le rate que est mise per le primer Stat. serra tenus en le Roy cybien come en auters Seigniors.

Aide de Roy.

Aide de Roy est en semble case come est dit devant de common Person, & auxy en plusors aut' cases lou le Roy puit aver perde, comment que le Tenant soit Tenant en fee-simple, il avera aide; come si un Rent soit demand vers Tenant le Roy qui tient en chief, il avera aide, & issint navera de aut' person.

Auxy lou un City ou Borough ad un Fee-farme del Roy, & ascun chose est demand vers eux que appertain al Fee-farme, ils averont aide pur ceo del Roy.

Auxy home avera aide de Roy en lieu de Voucher. Auxy le Bayliff, Collector & Purveyor del Roy averont aide del Roy, auxibien come les Officers de auters persons.

Aile.

AILE est un Brief que gist lou Terre descende de layel a son Nephews, *viz.* fitz ou file del fitz del ayel, le pier esteant mort devant entry per luy, & un abate, le Heir avera vers le Abater cest Brief.

Aler ſans jour.

ALer *ſans jour* eſt, (verbatim) *ire ſine die*, ceſtaſcavoir, deſtre diſmiſſe hors del court, pur ceo que neſt aſcun aut' jour del Appearance aſſigne.

Ale-taſter.

ALe-*Taſter* eſt un Officer appoint & jure deins cheſcun Leet, de veier que le due Aſſiſe ſoit obſerve de tout le Pane, Ale & Cervoiſe vendus deins le Juriſdiction del Leet.

Alien.

ALien eſt un Subject nee hors del ligeance de noſtre Roy. Et il ne poit aver aſcun real ou perſonal Action concernant Terre, mes en cheſcun tiel Action le Ten' ou Defendant puit plede que il fuit nee en tiel pais que neſt deins le ligeance del Roy, & demand Judgment, ſil ſerra reſpondu.

Cheſcun alien amie puit per le Common Ley aver & acquirer deins ceſt Realm, per done, cheviſans, ou aut' loyal voyes, aſcun treaſure ou biens perſonal quecunq; cybien come aſcun home Anglois, & puit maintain aſc' Action pur ycel. Mes terres deins ceſt Realm ou Meaſons, ſi non ſolement pur lour habitation, alien amies ne poient aver ne acquirer; ne maintain aſc' Action real ou perſonal pur aſcun Terre ou Meaſon, ſinon q; le Meaſon ſoit pur lour neceſſary habitation. Un alien enemy ne poit maintain aſcun Action, ou acquire aſcun choſe deins ceſt Realm. Et les reaſons pur que Aliens nee ne ſont capable de inheritance deins *Angleterre*, ſont;

Aler ſans jour.

ALer ſans jour is, (word for word) to go without Day, that is, to be diſmiſt the Court, becauſe there is no Day of farther Appearance aſſigned.

Ale-Taſter.

ALe-Taſter is an Officer appointed and ſworn in every Leet, to look that the due Aſſiſe be kept of all the Bread, Ale and Beer ſold within the Juriſdiction of the Leet.

Alien.

ALien is a Subject born out of the Liegeance of our King, and he cannot have any real or perſonal Action concerning Land; but in every ſuch Action the Tenant or Defendant may plead that he was born in ſuch a Place, which is not within the King's Liegeance, and demand Judgment if he ſhall be anſwered.

Every Alien friend may by the Common Law have and get within this Realm, by Gift, Trade, or other lawful Ways, any Treaſure or perſonal Goods whatſoever, as well as any Engliſhman, and may maintain any Action for the ſame. But Land within this Realm or Houſes (if not for their dwelling only) Alien-friends cannot have nor get, nor maintain any Action real or perſonal for any Land or Houſe, unleſs the Houſe be for their neceſſary Dwelling. An Alien-enemy cannot maintain any Action, nor get any Thing within this Realm. And the Reaſons why Aliens born are not capable of Inheritance within England, are;

1. The Secrets of the Realm may by this be discovered.

2. The Revenues of the Realm shall be taken and injoyed by Strangers born.

3. This will tend to the Destruction of the Realm. First, in the Time of War, for then Strangers may fortifie themselves in the Heart of the Realm, and set in Combustion the Common-wealth. Secondly, in the Time of Peace, for by such Means many Aliens born may get a great Part of the Inheritance and Freehold of the Realm, by which there would ensue a want of Justice, the Supporter of the Common-wealth, for this that Aliens cannot be returned of Juries, nor sworn for the Trial of Issues between the King and Subject, or between Subject and Subject. Vide Coke lib. 7. Calvin's Case.

Primerment, Les secrets del Royalm poient per ceo estre conus.

Secondment, Les Revenues del Royalm serront prise & enjoy per Estrangers nee.

Tiercement, Ceo voile tend al destruct' del Royalm. Primerment en le temps de guerre, car donques estrangers poient fortifie eux mesmes en le ceur del Royalm, & combuster le Common-weale. Secundm', en le temps de peace, car per tiels means pluſors Aliens nee poient acquirer un grand part del inheritance & franktenement del Royalm, per que la voile ensue un failer de Justice, le Supporter del Common-weale, pur ceo q; Aliens ne poient estre returne de Juries, ne jure pur le trial de issues perent' le Roy & le Subject, ou perenter Subject & Subject. Vide *Co. l, 7. Calvin*'s Case.

Alienation.

ALienation is as much to say as to make a Thing another Man's, or to alter or put the Possession of Lands or other Things from one Man to another. And in some Cases a Man hath Power in himself so to do, without the Assent or License of any other, and in some not. As if Tenant in Chief alien his Estate without the King's License, then by the Stat. of 1 Ed. 3. c. 12. a reasonable Fine shall be taken, where at the Common Law before the said Stat. the Lands and Tenements held in Chief of the King, and alienes without License, have been held forfeited. And if the King's Tenant that holds in Chief intended to alien unto C. to the Use of D. and thereupon if he purchase Licence

Alienation.

A *Lienation* idem est quod alienum facere, ou de alter ou mitt' le possession de Terres ou auter chose de lun home al auter. Et en ascun cases. home ad poier en luy mesme issint a faire, sans lassent ou licence de ascun auter, & en ascun nemy. Come si Tenant en capite alien son estate sans conge le Roy, donque per le Stat. de 1 *Ed.* 3. *cap.* 12. un reasonable Fine serra prise; ou al Common Ley devant le dit Stat. les Terres & tenements tenus en chief del Roy, & alien sans congee, ont este tenus forfeit. Et si Tenant le Roy que teigne en capite intend de aliener al *C.* al use de *D.* & sur ceo si il purchase licence de

aliener al C. & accordant il alien a C al uſe de D. quel uſe neſt mention en le Licence; en ceſt caſe il payera forſque un Fine, car eſt forſque un Alienation, *Co. lib. 6. f. 28* Mes ſi home voile aliene terres en fee ſimple a un Meaſon de Religion, ou a un Corps incorporate, covient a luy daver conge le Roy de faire ceſt Grant ou Alienation, & le chief Seignior de queux tiels Terres ſont tenus, &c. autrement le terre iſſint alien en *Mortmain* ſerra forfeit per le Stat. de 15. *R.* 2. *cap.* 5.

Alimony.

A *Limony*, *Alimonia*, Maintenance, & en legal ſenſe ſignifie un allowance pur que un feme covert ſue ſur ſeparation del ſa Baron.

Allay.

A *Llay* eſt le Temper ou Mixture de Or & Argent ove plus baſe Metal, per l'augmenter del pois de ceo, entant que poit countervail le charge del Roy en le coynage. Ceſt parol eſt uſe en le Statute 9 *H. 6. cap* 11. pur le payment del Or Anglois per le pois le Roy.

Allegiance.

A *Llegiance* eſt tiel natural ou loyal Obedience que cheſcun Subject doit a ſon Prince.

Almoner.

A *Lmoner* eſt un Officer del Hoſtel le Roy, & ſon Office eſt pur diſpenſer les Alms le Roy cheſcun jour; & a ceſt purpoſe il ad le collect' des touts forfeitures de Deo-

to alien to C and accordingly aliens to C. to the Uſe of D. which Uſe is not mentioned in the Licenſe; in this Caſe he ſhall pay but one Fine, for it is but one Alienation. Coke lib. 6. f. 28. But if a Man will alien Lands in Fee-ſimple to an Houſe of Religion, or to a Body incorporate, it behoves him to have the King's Licence to make this Grant or Alienation, and the chief Lord of whom ſuch Lands are held, &c. otherwiſe the Land ſo alienated in Mortmain ſhall be forfeited by the Statute of 15 R. 2. cap. 5.

Alimony.

ALimony, Alimonia, Maintenance, and in a legal Senſe ſignifies an Allowance for which a Woman ſues upon Separation from her Husband.

Allay.

ALlay is the Temper or Mixture of Gold and Silver with baſer Metal, for the increaſing the Weight of it ſo much as might countervail the King's Charge in the Coining. This Word is uſed in the Statute of 9 H. 5. cap. 11. for the Payment of Engliſh Gold by the King's Weight.

Allegiance.

ALlegiance is ſuch natural or legal Obedience which every Subject owes to his Prince.

Almoner.

ALmoner is an Officer of the King's Houſe, whoſe Office is to diſtribute the King's Alms every Day; and to that purpoſe he hath the collecting of all Forfeitures of Deodands,

and

and of the Goods of Felons de ſe, which the King allows him to diſpoſe in Alms to the Poor. And of his Office. See Fleta, lib. 2. cap. 22.

Almoin.

ALmoin. See Aumone.

Alnager.

ALnager is an Officer of the King's, who by himſelf, or by his Deputy, looks to the Aſſiſe of all Cloth made of Mool throughout the Land, and to put a Seal, for that purpoſe ordained unto them. 35 E. 3. Stat. 4. c. 1. An. 3 R. 2. c. 2. And he is to be accountable to the King for every Cloth that is ſo ſealed, in a Fee or Cuſtom appertaining to it.

Altarage.

ALtarage, in Latin Altaragium, ſignifies Duties and Offerings to Holy Altars mentioned 2 Cro. Rep. 516. that a Vicarage was endowed with it and ſmall Tithes.

Ambidexter.

AMbidexter is he that, when a Matter is in ſuit between Men, takes Money of the one Side and of the other, either to labour the Suit, or ſuch like; or if he be of the Jury, to give his Verdict.

Amendment.

AMendment is, when Error is in the Proceſs, the Juſtices may amend it after Judgment. But if there be Error in giving Judgment, they may not amend it, but the Party is put to his Writ of Error. And

dands, & des biens des Felons de ſe, que le Roy luy allow pur diſpoſe en Alms as povers. Et de ſon Office, vide Fleta, l. 2. c. 22.

Almoin.

ALmoin. Veies *Aumone.*

Alnageor.

ALnageor eſt un Officer del Roy que per luy meſme ou perſon deputy, veye al Aſſiſe de tout le Pane que eſt fait de Lane per tout le Terre, & a mitter Signets pur tiel purpoſe ordeignes al eux. 35 E. 3 Stat 4. c. 1. An 3 R. 2. c. 2. Et il eſt deſtre accomptable al Roy pur cheſcun Pane que eſt iſſint ſeale en un Fee ou Cuſtome a ceo apperteignant.

Altarage.

ALtarage, en Latin *Altaragium*, ſignifie Duties & Offerings al ſainct Altars, mention 2 Cro. Rep. 516. que un Vicarage fuit endow ove ceo & petit diſms.

Ambidexter.

AMbidexter eſt celuy que, quand un matter eſt en ſuit perenter homes, priſt argent de lun part & del aut', ou pur labour le Suit, ou tiels ſemblables; ou ſil ſoit del Jury, pur dire ſon Verdict.

Amendment.

AMendment eſt, quand Error eſt en le Proceſs, les Juſtices poient ceo amend' apres Judgment. Mes ſi Error ſoit en Judgment done, ils ne poient amender ceo, mes le party eſt mis al Brief de Error. Et en

pluſors Caſes lou le default appiert en le Clerk que eſcria le Record, il ſerra amend: mes tiels choſes que vient per information del party, come le Ville, Myſterie, & *hujuſmodi*, ne ſerra amend, car il doit informer vray a ſon peril. Vid. 9 *H.* 5. *c* 4. 4 *H.* 6. *c.* 3. 8 *H.* 6. *c.* 12, 15. 27 *El. c.* 5.

in many Caſes where the Default appears in the Clerk that writ the Record, it ſhall be amended: but ſuch things as come by Information of the Party, as the Town, Myſteery, and ſuch like, ſhall not be amended, for he muſt inform true upon his Peril. See 9 H. 5. c. 4 4 H. 6. c. 3. 8 H. 6. c. 12, 15. 27 El. c. 5.

Amercement.

A *Mercement* pluis properment eſt un Penalty aſſeſs per les peers ou pares del partie amercie, pur un offence fait; come pur default de Suit de Court, ou pur non amend' de aſcun choſe que il fuit appoint de redreſſer devant, ou pur tiel ſemblable cauſe: en quel caſe le party que offend ſoy miſt en le mercie del Roy ou Seignior, & ſur ceo cel Penalty eſt appel *Amerciament*.

Et la eſt un difference perenter Amerciaments & Fines. *Kitch* 214. Car Fines ſont puniſhments certain, que creſceronr expreſment de aſcun Statute; & Amerciaments ſont tiels que ſont arbitrablement impoſe per les Affeerors, quel *Kitch.* ſemble a confirme *fol.* 78. en ceux parolx, *Amerciament eſt affeere per Pares.*

Auxy il appiert, *Coke lib.* 8. *f* 39. que un Fine eſt touts foits impoſe & aſſeſſe per le Court; mes Amerciament que eſt appel en Larin *Miſericordia*, eſt aſſeſſe per Pays.

Auter diverſity la eſt: come ſi home ſoit convict devant le Vicount en le County de un Recaprion, il ſerra forſque amercie; mes ſil ſoit convict de ceo en le Common Bank

Amercement.

A Mercement muſt properly is a Penalty aſſeſſed by the Peers or Equals of the Party amerced, for an Offence done; as for want of Suit of Court, or for not amending ſomething that he was appointed to redreſs by a certain Time before, or for ſuch like Cauſe; in which Caſe the Party who offends puts himſelf in the Mercy of the King or Lord, and thereupon this Penalty is called Amerciament.

And there is a Difference between Amerciaments and Fines. Kitch. 214. For Fines are Puniſhments certain, which grow expreſly from ſome Statute; and Amerciaments are ſuch which are arbitrarily impoſed by the Affeerors, which Kitchin ſeems to confirm fol 78. in theſe Words, The Amerciament is aſſeered by Equals.

Alſo it appears, Coke lib. 8. fol. 39. That a Fine is always impoſed and aſſeſſed by the Court, but Amerciament, which is called in Latin Miſericordia, is aſſeſſed by the Country.

Another Diverſity there is: as if a Man be convict before the Sheriff of the County of a Recaption, he ſhall be only amerced; but if he be convict of this in the Common Bench, he ſhall be

fined. And the Reaſon of this iverſity is, That the County-ourt is not a Court of Record, d therefore cannot impoſe a ne; for no Court can impoſe Fine, but ſuch a Court as is Record. Coke lib. 8. fol 41. a If e Defendant or Tenant plead falſe Deed to him, or deny his on Deed, and this is found ainſt him, or he, leaving his on Verification, acknowledges e Action; he ſhall be fined for s Falſity, becauſe we ought to ſure of our own Acts. But one deny the Deed of his ceſtor, and this is found a-inſt him, yet he ſhall not be ned, but amerced only, becauſe was the Act of a Stranger. ok. lib. 8. fol. 60. a. ſee more ere.

Amercement royal.

A Mercement royal is, when a Sheriff, Coroner, or other ch Officer of the King, is nerced by the Juſtices for s Abuſe in the Office. Learn it ſhould not be called a Fine.

Amortization.

A Mortization (in French A-mortiſſement) is an Alien-ation of Lands or Tenements Mortmain (that is to ſay, to y Corporation, or Fraternity, d their Succeſſors) which nea erthelels cannot be done with-ut Leave of the King. The ight of Amortization is a rivilege or Licence of taking Mortmain. In the Statute e libertatibus perquirendis, 27 1. the Word Amortiſement is ſed. See Mortmain.

Amoveas manus.

A Moveas manus. See Ouſter le mayn.

il ſerra fine. Et le reaſon de ceſt diverſity eſt, Que le County-Court n'eſt pas Court de Record, & pur ceo ne poit impoſer un Fine, car nul Court poit impoſer un Fine, mes tiel Court que eſt de Record. *Coke lib 8. fol. 41. a.* Si le Defendant ou Tenant plead un faux Fait a luy, ou deny ſon fait demeſne, & ceo eſt trove vers luy, ou ſil *relicta verificatoone cognoſcit Actionem*; il ſerra fine pur fauxiſm, *Quia certi debemus eſſe de proprio facto.* Mes ſi un deny le Fait ſon Anceſtor, & ceo eſt trove vers luy, uncore il ne ſerra fine, mes amercie ſolement, *Quia de alieno facto. Co. lib. 8. fo. 60. a.* Vide pluis la.

Amercement royal.

A *Mercement royal* eſt, quand un Vicount, Coroner, ou auter tiel Officer del Roy, eſt amercy per les Juſtices pur ſon miſdemeaning en le Office. *Quare* ſi ne ſerra dit *Fine.*

Amortization.

A *Mortization* (en *Fr. Amortiſſement*) eſt prædiorum Tranſlatio in manum mortuam (c'eſt a dire a aſcun Corporation ou Fraternite, & lour Succeſſours.) quod tamen ſine venia Principis non fiat. Jus amortizationis eſt privilegium ſeu licentia capiendi in manum mortuam. En le Statute *De libertatibus perquirendis*, 27 *E.* 1. le parol *Amortiſement* eſt uſe. Veies *Mortmain.*

Amoveas manus.

A *Moveas manus.* Veies *Ouſter le mayn.*

An.

An, jour, & waſte.

AN, *jour. & waſte*, eſt un Forfeiture quand un home ad fait petit Treaſon ou Felony, & ad Terres queux il tient de aſcun commun perſon, queux ſerront ſeiſi pur le Roy, & remain en ſes maines per la ſpace de un an & un jour prochein apres le Attainder; & donques les Arbres ſerront defoſſe, les Meaſons raſes, & le Paſtures & Prees ayres & plowed; ſi non que il a que le Terre devenera per leſchete ou forfeiture, ne ceo redeeme del Roy. Un choſe le pluis de greever le Offendors, & terrifie auters de cader en autiel, en demonſtrant coment le Ley deteſt lour Offence cy avant, iſſint que il execute Judgment & puniſhment ſur lour mute & mort choſez.

An, jour, & waſte.

AN, jour, & waſte, is a Forfeiture when a Man hath committed petit Treaſon or Felony, and hath Lands holden of ſome common Perſon, which ſhall be ſeiſed for the King, and remain in his Hands by the Space of one Year and a Day next after the Attainder; and then the Trees ſhall be pulled up, the Houſes razed and pulled down, and the Paſtures and Meadows eyzed and plowed up; unleſs he to whom the Lands ſhould come by Eſcheat or Forfeiture redeem it of the King. A thing the more to grieve the Offenders, and terrifie others to fall into the like, in ſhewing how the Law doth deteſt the Offence ſo far forth as that it doth execute Judgment and Puniſhment even upon their dumb and dead things.

Anceſtor.

ANceſtor (*Anteceſſor*) eſt un parol dont la Signification eſt bien conus; & la Ley fait ceſt Difference perenter ceo & Predeceſſor, que Anceſtor eſt applique a un perſone natural, come J. S. & ſes Anceſtors, l'auter a un Corps politique ou Corporation, come l'Eveſque & ſes Predeceſſors. *Co Litt. lib.* 2 *cap.* 4. *Sect.* 103. Mes le Parol *Anceſtor*, dans le forenſic ſens ne fuit properment apply al Anceſtor d'un famille, mes ou al Prepoſſeſſor d'un Eſtate, ou al Predeceſſor en un Office.

Anceſtor.

ANnceſtor (*Anteceſſor*) is a Word whoſe Signification is well known; and the Law makes this Difference between that and Predeceſſor; that Anceſtor is applied to a natural Perſon, as J. S. and his Anceſtors, the other to a Body politick or Corporation, as the Biſhop and his Predeceſſors, Co. Litt. lib. 2. 4. Sect. 103. The Word Anceſtor in the forinſic Senſe was not properly applied to the Anceſtor of a Family; but either to the Prepoſſeſſor of an Eſtate, or the Predeceſſor in an Office.

Anceſtrel.

ANceſtrel, come Homage Anceſtrel, *i. e.* Homage que ad eſte fait ou performe

Anceſtrel.

ANceſtrel, as Homage Anceſtrel, that is, Homage that hath be done or performed

the Anceſtors of any Perſon. See Homage.

Ancient demeſne.

ANcient demeſne or demayn is, a certain Tenure whereby all Manors belonging to the Crown in the Days of William the Conqueror, were held.

Aniente.

ANiente comes from the French Aneanter, that is, annihilare; or Aniente in our Law-language ſignifies as much as fruſtrated or made void, and is uſed by Littleton in his 741 Section.

Annates.

ANnates is a Word uſed in the Statute of 25 H. 8. cap. 20. and ſeems to be all one with firſt-fruits: For ſo Pol. Virgil. de Inventione rerum, lib. 8. cap. 2. ſays, That Annatarum uſus multo antiquior eſt quam recentiores quidam ſcriptores ſuſpicantur, & Annatas (more ſuo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.

Annua penſione.

ANnua penſione is a Writ by which the King having due unto him an annual Penſion from any Abbot or Prior for any of his Chaplains which he will name, who is not provided of a competent Living, demands it of the ſaid Abbot or Prior for one that is named in the ſame Writ, until, &c. and alſo commands him, for the better Certainty of his Chaplain, to give his Letters Patents to him for the ſame. See Fitz. Nat. Brev fol. 231. where you may alſo ſee the Names of all the Abbies and

per les Anceſtors de aſcun home. Veies *Homage*.

Ancient demeſne.

ANcient demeſne ou *demayn* eſt un certain Tenure, per que touts Manors perteignont al Corone en les temps de *William le Conqueror*, fueront tenus.

Aniente.

ANiente venuſt del Francois *Aneantir*, (id eſt) *annihilare*; car *Aniente* en noſtre Ley ſignifie tant come fruſtrare ou defeat, & eſt uſe per *Littleton*, *Sect.* 741.

Annates.

ANnates eſt un parol uſe en le Stat. 25 *Hen.* 8 cap. 20. & ſemble deſtre tout un ove *Primitiæ*: car iſſint *Pol. Virgil. de Inventione rerum*, *lib.* 8. *cap.* 2. dit. *Quod Annatarum uſus multo antiquior eſt quam recentiores quidam ſcriptores ſuſpicantur, & Annates (more ſuo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.*

Annua penſione.

ANnua penſione eſt un Brief per que le Roy, aiant due a luy un annual Penſion de aſcun Abbot ou Prior pur aſcun de ſes Chapleins que il voile noſmer, que n'eſt provide dun competent Benefice, ceo demand del dit Abbot ou prior pur un que eſt noſme en meſme le Brief, jeſque, &c. & auxy luy command, pur le meux aſſurance de ſon Chaplein, a doner ſes Letters Patents a luy pur ycel. Vide *Fitz. Nat Brev. fol.* 231. ou poyes auxy veyer les noſmes de touts les Abbeys & Pri-

Priories que fueront lie a ceo en reſpect de lour foundation ou creation, & auxy pur le forme des Letters Patents uſualment grant ſur tiel Brief.

Annuitie.

Annuitie eſt un certain Sum de money grant a un auter en Fee-ſimple, Fee-tail, pur term de vie, ou pur term de ans, a receiver del Grantor, ou ſes Heirs, iſſint que nul Franktenement eſt charge de ceo, de que home navera unques Aſſiſe ou auter Action, forſque Brief de Annuity; & neſt aſcun Aſſets al Heire le Grantee, a que il deſcendera.

La ſont pluſors differences perenter Annuities & Rents: Car cheſcun Rent eſt iſſuant hors de Terre, mes un Annuity neſt, mes chargera le perſon, ceſtaſcavoir, le Grantor ou ſes Heirs, que ont Aſſets per deſcent, ſinon que ſpecial proviſo ſoit al contrary: come *Lit. Sect.* 220.

Auxy pur un Annuity nul Action giſt, forſque ſolement un Brief de Annuity vers le Grantor, ſes Heirs ou Succeſſors: & ceſt Brief de Annuity ne unques giſt vers le pernor des profits, mes ſolement vers le Grantor ou ſes Heirs; lou pur un Rent meſme les Actions giſont envers le Tenant del Terre, & aſcun foits envers celuy que eſt pernor del Rent, ceſtaſcavoir, vers luy que priſt le Rent torciouſment. Auxy un Annuity neſt deſtre priſe pur Aſſets, pur ceo que neſt aſcun Franktenement

Priories which were bound this in reſpect of their Foundation or Creation, and alſo the Form of the Letters Patents uſually granted upon ſuch a Writ.

Annuity.

ANnuity is a certain Sum Money granted to another in Fee-ſimple, Fee-tail for Term of Life, or for Term of Years, to receive of the Grantor, or his Heirs, ſo that no Free-hold is charged therewith; whereof a Man ſhall never have Aſſiſe nor other Action but a Writ of Annuity; and there is no Aſſets to the Heir of the Grantee, to whom it ſhall deſcend.

There are many Differences between Annuities and Rents. For every Rent is iſſuing out of Land, but an Annuity doth not, but charges the Perſon that is, the Grantor or his Heirs, which have Aſſets by Deſcent, if ſome ſpecial Proviſo be not to the contrary: as Lit. Sect. 220.

Alſo for an Annuity no Action lies, but only a Writ of Annuity againſt the Grantor, his Heirs or Succeſſors: and this Writ of Annuity neither lies againſt the Taker of the Profits, but only againſt the Grantor, or his Heirs. Where as for a Rent the ſame Action lie againſt the Tenant of the Land, and ſometimes againſt him that is Taker of the Rent, that is, againſt him that takes the Rent wrongfully. Alſo an Annuity is not to be taken for Aſſets, becauſe it is not a Free-hold in Law. And ſhall

ll not be put in Execution on a Statute-Merchant, or Statute-Staple, or Elegit, as Rent may. Doct. & Stud. cap. See Dyer fol. 345. pla. 2. Also an Annuity cannot be severed, l. 8. fol. 52. b. according to Metre there,

Let no Judge himself endeavour Annuities or Debts to sever.

Anoysance.

A Noysance is a Word used in the Statute of 22 Hen. 8. . 5. and signifies no more n Nusance; and therefore see tle Nusance.

Apostata capiendo.

Apostata capiendo is a Writ directed to the Sheriff, for taking of the Body of one o, having entred into, and fessed some Order of Religi- leaves his said Order, and parts from his House, and wans in the Country: And upon a rtificate of this Matter made the Sovereign of the House in Chancery, and the praying the said Writ, he shall have irected to the Sheriff for the prehending of him, and Redery of him to the said Sovegn of the House, or his lawful torney. See the Form of it in z. Nat. Brev. 233, C.

Appeal.

Appeal is where one hath done a Murther, Robbery, or ihem, then the Wife of him t is slain shall have an Action Appeal against the Murtherer; if he have no Wife, then his

en Ley. Et ne serra mis in Execution sur un Stat. Merchant, Stat. Staple ou *Elegit*, sicome un Rent puit. *Doct. & Stud. cap.* 30. Vide *Dyer fol.* 345. *pla.* 2. Auxy un Annuity ne poit estre sever, Co. *l.* 8. *f.* 52. *b.* accordant al Metre la,

Annale aut debitum
Judex nec separet ipse.

Anoysance.

A *Noysance* est un parol use en le Statute 22 *Hen.* 8. *cap.* 5. & signifie nient plus que *Nusance*, & pur ceo vide Tit. *Nusance.*

Apostata capiendo.

A *Postata capiendo* est un Brief direct al Viscount, pur le pendre del corps dun que aiant ent' & professe ascun Order de Religion, relinquy le dit Order, & wave son Meason, & est Vagrant en le pais: & sur un Certificate de ceo matter per le Soverai gn del dit Meason de Religion fait en le Chancery, & le prier del dit Brief, il avera ceo direct al Viscount pur le apprehender de luy, & redeliver al dit Soveraign del Mease ou son loyal Attorney. Vid. le form del Brief en *Fitz. Nat. Brev.* 233. *C.*

Appeal.

A *Ppeal* est lou un ad fait Murder, Robbery, ou Mayhem, donques le feme cestuy que est tue avera un Action de *Appeal* vers le Murderer; mes sil nad feme, adonques son

pro-

prochein Heir male avera le Appeal a aſcun temps deins lan & jour apres le fact.

Auxy ceſtuy que eſt iſſint rob' ou maimed avera ſon Appeal: Et ſi le Defendant ſoit acquite, il recovera damages vers le Appellour & l' Abettors, & ils averont impriſonment dun an, & ſerra fin al Roy. Appeal de Maihem neſt en manner forſque Action de Treſpaſs, car il ne recovera forſque damages.

Appeals ſont commence deux voyes, ou per Brief, ou per Bill. Per *Brief*, quand un Brief eſt purchaſe hors del Chancery per un home vers aut', luy commandant que il appealera un tierce home daſcun Felony ou auter offence per luy commit, & a trover pledges que il ceo ferra ove effect; & ceſt Brief eſt d'eſtre deliver al Vicount d'eſtre record.

Appeal per Bill eſt, quand un home de luy meſme done ſon accuſation dauter home en eſcript al Vicount ou Coroner, & priſt ſur luy le burden de appealing ceſtuy que eſt noſme en le dit eſcript. *Appellant* eſt le Plaintiff en Appeal.

Si un Peer ſoit indict pur Murder il ſerra try per ſes Peers: Mes ſi un Appeal ſoit port vers luy al ſuit del Party, il ne ſerra try per ſes Peers, mes per un Jury de 12 Homes. Veies *Mag Chart. fol.* 49. *Stat. Glouc.* 317. 3 *H.* 7. *cap.* 1.

En Appeal al Suit del Party le Pardon del Roy ne diſchargera le Priſoner come ſur Indictment al Suit del Roy. *Weſt.* 2. *cap.* 24.

next Heir-male ſhall have the Appeal at any Time within a Year and a Day after the Deed.

Alſo he that is ſo robbed or maimed ſhall have his Appeal: and if the Defendant be acquitted, he ſhall recover Damages againſt the Appealer and the Abettors, and they ſhall have the impriſonment of a Year, and ſhall make a Fine to the King. An Appeal of Maihem is in Manner but a Treſpaſs, for he ſhall only recover Damages.

Appeals are commenced two Ways, either by Writ or by Bill. By Writ, when a Writ is purchaſed out of the Chancery by one Man againſt another, commanding him that he ſhall appeal a third Man of ſome Felony or other Offence by him committed, and to find Pledges that he ſhall do it with Effect; and this Writ is to be delivered to the Sheriff to be recorded.

Appeal by Bill is, when a Man, of himſelf gives his Accuſation of another Man in writing to the Sheriff or Coroner, and takes upon himſelf the Burthen of appealing him that is named in the ſaid Writing. Appellant is the Plaintiff in the Appeal.

If a Peer be indicted for Murder, he ſhall be tried by his Peers: But if an Appeal be brought againſt him at the Suit of the Party, he ſhall not be tried by his Peers, but by a Jury of 12 Men. See Magna Chart. fol 49. Stat. Glouc. 317. 3 Hen. 7. cap. 1.

In an Appeal at the Suit of the Party, the King's Pardon doth not diſcharge the Priſoner as upon an Indictment at the the Suit of the King. Weſt. 2. cap. 24.

Appendant and Appurtenant.

Appendant & Appurtenant are Things that by Time of Prescription have belonged, appertained, and are joined to another principal Thing, by which they pass and go as Accessary to the same principal Thing, by Virtue of these Words, Pertinentiis, as Lands, Advowsons, Commons, Piscaries, Ways, Courts, and divers such like, to a Manor, House, Office, or such others.

Apportionment.

Apportionment is a dividing into Parts a Rent which is divisable, and not entire or whole; and forasmuch as the Thing out of which it was to be paid is separated and divided, the Rent also shall be divided, having Respect to the Parts. As if a Man have a Rent-Service issuing out of Land, and he purchases Parcel of the Land, the Rent shall be apportioned according to the Value of the Land.

So if a Man hold his Land of another by Homage, Fealty, Escuage, and certain Rent, if the Lord of whom the Land is holden purchase Parcel of the Land, the Rent shall be apportioned.

And if a Man let Lands for Years, reserving Rent, and after a Stranger recover Part of the Land, then the Rent shall be apportioned, that is, divided, and the Lessee shall pay, having Respect to that which is recovered, and to that which yet remains in his Hands, according to the Value.

But a Rent-charge cannot be apportioned, nor Things that are entire: As if one hold Land

Appendant & Appurtenant.

Appendant & Appurtenant sont choses que per temps de prescription ont belong, appertain, & sont joyn al un aut' principal chose, ove que ils passont & va come accessarie al mesme principal chose, per virtue de ceux parols, *Pertinentiis*, come Terres, Advowsons, Commons, Piscaries, Chimins, Courts, & divers tiels semblables, al un Manor, Meason, Office, ou tiels auters.

Apportionment.

Apportionment est un dividing en Parts un Rent le quel est dividable, & nient entire ou whole; & entant que le chose hors de quel il suit destre pay est separate & divide, le Rent auxy serra divide, aiant respect a les parts. Si come un home ad un Rent-Service issuant hors de Terres, & il purchase parcel de le Terre, le Rent serra apportion accordant al value del Terre.

Issint si home tient son Terre d'un aut' per Homage, Fealty, Escuage, & certain Rent, si le Seignior de que le Terre est tenus purchase parcel del Terre, le Rent serra apportion.

Item si home lessa terres pur ans, reservant Rent, & apres un estrange recover part de le terre, donques le Rent serra apportion, c'est a dire, divide, & le Lessee paiera, aiant respect a ceo que est recover, & a ceo que ore remain en ses maines, accordant al value.

Mes un Rent-charge ne poit estre apportion, ne choses que sont entire: Sicome un tient

Terres

Terres per Service de payer a ſon Seign' annuelment a tiel Feaſt, un Chival, Eſperver, un Roſe, un Cherry, ou tiels ſemblables; la ſi le Seign' purchaſe parcel de la terre, ceſt Service eſt tout ale, pur ceo que un Chival, Eſperver, Roſe, ou un Cherry, & tielx auters, ne poyent eſtre divide ou apportion, ſans damage al entierty.

En aſcun caſes Rent-charge ſerra apportion: Come ſi home ad Rent-charge iſſuant hors del terre, & ſon pere purchaſe parcel de les Terres charges en fee, & moruſt, & cel parcel diſcend a ſon fits que ad le Rent-charge; ore cel charge ſerra apportion ſolonque le value de la terre, pur ceo que tiel portion de la terre purchaſe per le pere ne vient al fits per ſon fait demeſne, mes per diſcent, & per courſe de Ley.

Common appendant eſt de common droit & ſeverable; & coment que le Commoner en tiel caſe purchaſe parcel del terre en que le Common eſt appendant, uncore le Common ſerra apportion: Mes en tiel caſe Common appurtenant & nemy appendant per purchaſe eſt extinct. *Co. lib. 8. f. 79.*

Appropriations.

APpropriations fuer quand ceux Meaſons de Religion, & ceux religious Perſons, come Abbots, Priors, & tiels ſemblables, avoient le Advowſon de aſcun Parſonage al eux & a lour Succeſſors, & obtain licence de le Pape, Ordinary, & Roy, que ils meſmes & lour Succeſſors de ceo en avant doient eſtre Parſons la,

by Service to pay to his Lord yearly at ſuch a Feaſt an Horſe, an Hawk, a Roſe, a Cherry, or ſuch like; there if the Lord purchaſe parcel of the Land, this Service is gone abſolutely, becauſe an Horſe, a Roſe, a Cherry, or ſuch other, cannot be divided or appoztioned, without Damage to the whole.

In ſome Caſes Rent-charge ſhall be appoztioned: As if a Man have a Rent-charge iſſuing out of Land, and his Father purchaſes Parcel of the Lands charged in Fee, and dies, and this Parcel deſcends to his Son who hath the Rent-charge; there this Charge ſhall be appoztioned according to the Value of the Land, becauſe ſuch Poztion of the Land purchaſed by the Father comes not to the Son by his own Act, but by deſcent and Courſe of Law.

Common Appendant is of Common Right and ſeverable: and although the Commoner in ſuch Caſe purchaſe Parcel of the Land wherein the Common is appendant, yet the Common ſhall be appoztioned: But in this Caſe Common Appurtenant and not Appendant by ſuch Purchaſe is extinct. Coke lib. 8. f. 79.

Appropriations.

APpropriations were when thoſe Houſes of Religion and thoſe Religious Perſons as Abbots, Pziozs, and ſuch like, had the Advowſon of a Parſonage to them and their Succeſſozs, and obtained Licence of the Pope, Ozdinary, and King, that they themſelves and their Succeſſozs from thenceforth ſhould be Parſons there-

and that it ſhould be from thenceforth a Vicarage, and the Vicar ſhould ſerve the Cure. And ſo at the beginning Appropriations were made only to thoſe Perſons Spiritual that could adminiſter the Sacraments and ſay Divine Service, as Abbots, Priors, Deans, and ſuch like. After by little and little they were enlarged and made to others, as namely to a Dean and Chapter, which is a Body corporate, conſiſting of many, which Body together could not ſay Divine Service; and (which was more) to Nuns that were Prioreſſes of ſome Nunnery, which was a wicked Thing, in Regard that they could neither adminiſter Sacraments, nor preach, nor ſay Divine Service to the Pariſhioners.

And all this was upon pretence of Hoſpitality and maintenance thereof. And to ſupply theſe Defects a Vicar was deviſed, who ſhould be Deputy to the Priors, or to the Dean and Chapter, and alſo at the laſt to the ſaid Abbots, and others, to ſay Divine Service, and ſhould have for his Labour but a little Portion, and they to whom the Appropriations were made ſhould retain the greater Revenues; and they did nothing for it, by Means whereof Hoſpitality decayed in the Place where it ought to have been chiefly maintained, namely, in the Pariſh where the Benefice was, and where the Profits grew: And ſo it continues to this Day, if not worſe, ſince not only Friers and Nuns, but Lay-men and ſecular Women are poſſeſſed of them, to the great Hinderance of Learning, Impoveriſhment of the Miniſtry, and Infamy

& il ſerra en avant un Vicarage, & que le Vicar ſervera le Cure. Et iſſint al commencement Appropriations fueront faits ſolement a ceux perſons Spirituals que puiſſoient miniſter les Sacraments, & dire divine Service, come Abbes, Priors, Deans, & ciels ſemblables. Apres per petit & petit ils fueront enlarge & fait al auters, come noſmement al Dean & Chapter, quel eſt Corps corporate, conſiſting de pluſors, quel Corps enſemble ne puiſſont dire divine Service; &, que pluis fuit, al Nuns que fueront Prioreſſes de aſcun Nunnery, quel fuit choſe horrible, entant que ils ne puiſſoient miniſter Sacraments ne preach, ne dire divine Service al Parochians.

Et tout ceo fuit ſur pretence de Hoſpitality & maintenance de ycel. Et de ſupplier ces defects, un Vicar fuit deviſe, quel ſerroit Deputy al Priors, ou Dean & Chapter, & auxy al darrein al dit Abbes, & auters, a dire divine Service, & il averoit pur ſon labour forſque petit portion, & ils a quel le Appropriations fueront fait reteigneront le grand Revenues; & ils feſoyent riens pur ceo, per means de quel Hoſpitality decay en le lieu ou il doit eſtre chiefment gard, noſmement en le Pariſh ou le Benefice fuit, & ou les profits creſſoyent: Et iſſint il continue tanque a ceſt jour, ſi non pejus, veu que non ſeulement les Freres & les Nuns, mais les Laiques tant homes que femes en ont la poſſeſſion al grand hinderance del Erudition, al impoveriſhment de le Miniſtery,

ſtery, & le infamy de la Goſpel & les Profeſſors de ycel.

Le Vicar avera un certain portion del Benefice, & le Abbe & le Covent ſerront Parſons, & averont les auters profits. Ceſt appelle un *Appropriation*, & donques le Abbe, & le Covent ſerront Parſons imparſones: Mes tiel Appropriation ne poit eſtre fait a commencer en le vie le Parſon, ſans ſont aſſent.

Et apres l' Eſgliſe fuit appropriate, donques fuit ceo un incident inſeparable al Meaſon de Religion a que ceo fuit iffint appropriate. Et pur ceo ou les Terres de Templars en *Angleterre* fueront done per les general parols d' un Act de Parliament de 17 E. 2 al Hoſpitallers, fuit adjudge, Que les Hoſpitallers per le dit Act naveront l' Appropriation, car ceo fuit inſeparablement annex al Corporation des Templars: Quel choſe conſiſtant en inſeparable privity per general parols d'un Act de Parliament ne ſerra transferre al auters. *Coke l. 7. fol. 13. a.*

Mes ſi tiel Advowſon del Parſonage ſoit recover per ancient title, donques l' Appropriation eſt adnulle. Et eſt appelle *Appropriation*, pur ceo que ils teigne les profits a lour proper Uſe.

of the Goſpel and Profeſſors thereof.

The Vicar ſhall have a certain Portion of the Benefice, and the Abbot and the Covent ſhall be Parſons, and ſhall have the other Profits. This is called Appropriation, and then the Abbot and Covent ſhall be Parſons emparſonees: But ſuch Appropriation may not be made to begin in the Life of the Parſon, without his Aſſent.

And after the Church was appropriated, then was it an Incident inſeparable to the Houſe of Religion to which it was ſo appropriated. And therefore where the Lands of the Templars in England were given by the general Words of an Act of Parliament of 17 E. 2. to the Hoſpitallers, it was adjudged, That the Hoſpitallers by the ſaid Act ſhould not have the Appropriation, for it was inſeparably annexed to the Corporation of the Templars: which Thing conſiſting in an inſeparable Privity, by the general Words of an Act of Parliament, ſhall not be transferred to others. Coke lib. 7. fol. 13. a.

But if ſuch Advowſons of the Parſonage be recovered by ancient Title, then the Appropriation is annulled. And it is called Appropriation, for that they hold the Profits to their own proper Uſe.

Approvement.

APprovement eſt, lou un home ad Common en le waſte terre de Seignior, & le Seignior encloſe part del waſte terre pur luy meſme, relinquiſhant nient obſtant ſufficient Common, ove egreſſe & regreſſe, pur les Commo-

Approvement.

APprovement is, where a Man hath Common in the Lord's waſte Ground, and the Lord incloſes part of the Waſte for himſelf leaving nevertheleſs ſufficient Common, with egreſs and regreſs, for the Commoners,

ers. This incloſing is called Approvement. See Reg. Jud. fol. 8, 9.

Approver.

An Approver or Appellor is he who hath committed ſome Felony, which he confeſſes, and now appeals or approves, that is, accuſes others who were Coadjutors or Helpers with him in doing the ſame or other Felonies, which Thing he will approve. And this Proof is to be either by Battle, or by the Country, at his Election that appealed. This Accuſation is often done before the Coroner, who either is aſſigned to the Felon by the Court to take and record that which he ſaith; or is called by the Felon himſelf, and required, for the good of the Prince and Commonwealth, to record that which he ſhall ſay. The Oath of the Approver when he begins the Combate, is alſo the Proclamation by the Heraulds, appear in Cromp. pag. ult.

If a Man of good Fame be appealed by an Approver, by which he is taken and kept in Priſon, yet he may have a Writ to be directed to the Sheriff, commanding him to ſuffer the Party appealed to be bailed by good Mainpernors. But if a Man appealed by an Approver be kept in Priſon, and afterwards the Approver dies, there he may ſue a Writ directed to the Sheriff, to ſuffer him to be bailed upon good Surety, if he be not a notorious Felon, although he be not of good fame. Fitz. Nat. Brev. 250. d.

ners. Ceſt Incoſure eſt appel *Approvement*. Vide *le Reg. Jud. fol.* 8, 9.

Approver.

An *Approver* or *Appellor* eſt ceſtuy que ad fait aſcun Felony, le quel il confeſſe, & a ore appel ou approve, c'eſt a dire, accuſe auters que fueront Coadjutors ou Aydors ove luy en feſant de ceo ou aut' Felonies, le quel choſe il voile approver. Et ceſt proof eſt d'eſtre ou per Battail, ou per le Pais, a ſon election que approve. Ceſt accuſation eſt pluſors foits fait devant le Coroner, que ou eſt aſſigne al felon per le Court a prender & recorder ceo que il dit; ou eſt appel per le Felon luy meſme, & require pur le bone del Prince & Publiqueweale a recorder ceo que il dira. Le Serement del Approver quand il commence le combat, come auxy le proclamation per les Heraulds, appearont en *Cromp. pag. ult.*

Si home que eſt de bone fame ſoit appeal per un Approver, per que il eſt priſe & deteign en priſon, uncore il poit aver un Brief d'eſtre direct al Vicount luy commandant a permitter le Party appeal de eſtre bail per bone Mainpernors. Mes ſi home appeal per un Approver ſoit deteign en Priſon, & apres le Approver devie, la il puit ſue un Brief direct al Vicount a permitter luy de aler a mainpriſe ſur bone Surety, ſil ne ſoit notorious Felon, coment que il ne ſoit de bone fame. *Fitz. Nat. Brev.* 250. *d.*

Approvers le Roy.

Approvers le Roy ſont ceux que ont le demiſer des Demeans le Roy deins petits Manors le Roy pur le plus availe le Roy. Et des tiels Approvers poies veier en le Stat. 2 E. 3. *c.* 12. que fueront homes miſes en divers Counties pur encreaſe les Farmes des Hundreds & Wapentakes. Et eſt a veier en le Stat. 1 E. 3. *c.* 8. que les Viſcounts appel eux meſmes les *Approvers le Roy.*

The King's Approvers.

THE King's Approvers are thoſe that have the letting of the King's Demeans in ſmall Manors for the King's greater Advantage. And of ſuch Approvers you may read in the Stat. 2 E. 3. c. 12. that they were Men ſent into divers Counties to increaſe the Farms of Hundreds and Wapentakes. And you may ſee in the Statute made in 1 E. 3. c. 8. that the Sheriffs call themſelves the King's Approvers.

Arbitrement.

Arbitrement eſt un Award, Determination ou Judgement, quel un ou pluſors font al requeſt de deux parties al meines, pur & ſur aſcun Det, Treſpaſs, ou auter Controverſie ewe perenter eux. Et c'eſt appel en Latin *Arbitratus*, & *Arbitrium*; & ils que font le Award ou Arbitrement ſont appel *Arbitri*, en Anglois Arbitrators.

A cheſcun Arbitrement cinque choſes ſont incident; *ſc.* Matter de Controverſie, Submiſſion, Parties al Submiſſion, Arbitrators, & render ſuis del Arbitrement. *Dyer* 217. *pl* 60. Si l' Arbitrement ſoit fait, que lun partie alera quit de touts Actions que lauter ad vers luy, & riens eſt dit des Actions que il ad vers lauter; ceſt Arbitrement eſt void, pur ceo que fuit fait de lun part, & nemy de lauter. 7 *H.* 6. *c.* 40.

Quand un Submiſſion a un Arbitrement eſt general de touts Actions, *&c.* & le Arbitrat' fait un Award ſolement de un, uncore ceo bien poit

Arbitrement.

ARbitrement is an Award, Determination, or Judgment, which one or more makes at the requeſt of two Parties at the leaſt, for and upon ſome Debt, Treſpaſs, or other Controverſie had between them. And this is called in Latin Arbitratus, and Arbitrium; and they that make the Award or Arbitrement are called Arbitri, in Engliſh Arbitrators.

To every Arbitrement five Things are incident; ſc. Matter of Controverſie, Submiſſion, Parties to the Submiſſion, Arbitrators, and giving up of the Arbitrement. Dyer 217. pl. 60. If the Arbitrement be made that the one Party ſhall go quit of all Actions which the other hath againſt him, and nothing ſaid of the Actions which he hath againſt the other; this Arbitrement is void, becauſe it was made of the one Part, and not of the other. 7 H. 6. cap. 40.

When a Submiſſion to an Arbitrement is general of all Actions, &c. and the Arbitrator makes an Award only of one; yet this may well ſtand

the generality of the Words, that there was but one Cauſe depending between them; for, A Generality implies no Certainty. And if the Arbitrement ſhould be for this avoided, then many Arbitrements might be avoided; for the one might conceal a Treſpaſs done, or other Cauſe of Action given him, and ſo avoid the Arbitrement. Alſo no Party to any Arbitrement ſhall be by it bound, unleſs the Award be delivered unto him, as it is in Co. l. 5. f. 103. See Co. l. 8. f. 98.

Arches.

ARches (or the Court of the Arches) is the chief and moſt ancient Conſiſtory belonging unto the Archbiſhop of Canterbury, and it is called from the Arches of the Church where the Court is kept, namely, Bow-Church in London. And of this Court mention is made in Stat. 24 Hen 8. cap. 12. touching Appeals.

Arms.

ARms, in the underſtanding of the Law, is extended to any thing that a Man, in his Anger or Fury, takes into his Hand to caſt at, or ſtrike another. Cromp. Juſtice of Peace, 65. a.

Array.

ARray is the taking or ordering a Jury or Inqueſt of men that are impanelled upon any Cauſe, 18 H. 6. c. 14. from hence comes the Verb, to array a Panel. Old Nat. Brev. f. 157. that is, to ſet forth one by another the Men that are impanelled. The Array ſhall be quaſhed, ibid. By Statute eve-

eſtoyer ove le generality des parols que la ne fuit forſque un Cauſe dependant perenter eux; car, *Generale nihil certi implicat.* Et ſi le Arbitrement ſerroit pur ceo avoid, donques pluſors Arbitrements poient eſtre void; car lun poit conceal un Treſpaſs fait, ou auter cauſe de Action done a luy, & iſſint avoid l' Arbitrement. Auxy nul party al aſcun Arbitrement ſerra per ceo lye, ſi non que le Agard ſoit a luy deliver, come eſt *Cok. l* 5. *f.* 103. Vide *Coke l.* 8. *f.* 98.

Arches.

ARches (*ſive Curia de Arcubus*) eſt le principal & plus ancient Conſiſtory que appertain al Archeveſque de *Cant.* & eſt appel de les Arches del Eſgliſe lou le dit Court eſt tenus, viz. *Eccleſia B. Mariæ de Arcub. en Londres.* Et de ceſt Court mention eſt fait en Stat. 24 *H.* 8. *c.* 12. touchant Appeals.

Arms.

ARmes, en le intelligence del Ley, eſt extend a touts choſes que un home, en ſon ire ou furie, prend en ſa main pur jetter ou ferier un autre. *Cromp. Juſt. P. f.* 65. *a.*

Array.

ARray eſt le diſpoſing ou ordering de Jury ou Enqueſt de homes que ſont impanel ſur aſcun Cauſe, 18 *H.* 6. *c* 14. de que vient le verb, *al arrayer un Panel. Vet. N B f.* 157. ceſt a dire, mutter hors un per auter les homes que ſont impanel, Le Array ſerra quaſh, *ib.* Per Statute cheſcun Array

en Assise devoit d'estre fait quater jours devant. *Brook tit. Panel. num.* 10. A challenger le Array, *Kitch.* 92.

Arrain.

ARrain est a mitter un chose en order ou en son lieu: Sicome il est dit arrain un Brief de *Novel Disseisin* en un County en que il devoit estre port pur trial devant les Justices de cel Circuit. *Vet. N. B. f.* 109. Et en tiel sense *Litt.* ad use mesme le parol, le Lessee arraigns un Assise de *Novel Disseisin.* Auxy un prisoner est dit estre arraigner, quand il est indict & mis a son trial.

Arrerages.

ARrerages sont Duties arere nient pay apres le jours & temps en que ils fueront dues, & doyent aver estre payes, soyent ils Rents de Manor, ou ascun auter chose reserve.

Arrest.

ARrest est quand un est pris & restrain a son liberty. Nul serra arrest pur Det, Trespass, Detinue, ou auter cause de Action, mes per vertue d'un Precept ou Commandment hors de ascun Court. Mes pur Treason, Felonie, ou enfriender del Peace, chescun home ad auctoritie de arrester sans Garrant ou Precept. Et lou un serra arrest pur Felonie, il covient, que ascun Felonie soit fait, & que il soit suspect de mesme le Felonie; ou autermentil poit aver envers luy que issint luy arrest un Brief de faux Imprisonment. Et quand ascun home est arrest pur Felonie, il serra amesne a

ry Array in Assise ought to be made four Days before. Brook *tit.* Panel num. 10. To challenge an Array. Kitch. 92.

Arrain.

ARrain is to put a Thing in order or in his Place: As one is said to arrain an Assise of Novel Disseisin in the County in which it ought to be brought for trial before the Justices of that Circuit. Old. N. B. fol. 109. And in such Sense Lit. hath used the same Word, The Lessee arrains an Assise of Novel Disseisin. Also a Prisoner is said to be arraigned, when he is indicted and put to his Trial.

Arrearages.

ARrearages are Duties behind unpaid after the Days and Times in which they were due, and ought to have been paid, whether they be Rents of a Manor; or any other Thing reserved.

Arrest.

ARrest is when one is taken and restrained from his Liberty. None shall be arrested for Debt, Trespass, Detinue, or other cause of Action, but by virtue of a Precept or Commandment out of some Court. But for Treason, Felony, or breaking of the Peace, every Man hath Authority to arrest without Warrant or Precept. And where one shall be arrested for Felony, it behoves that some Felony be done, and that he be suspected of the same Felony; or otherwise he may have against him that did the arrest him, a Writ of False Imprisonment. And when any Man shall be arrested for Felony he shall be brought to the Gaol

ther

there to abide till the next Seſſions, to be indicted or delivered by Proclamation.

Arretted.

ARretted is he that is convented before any Judge, and charged with a Crime. Sometimes it is uſed for imputed or laid unto: As no folly can be arretted to him that is within Age. Lit. cap. Remit. This Word may come of the Latin word Rectus; for Bracton hath this Phraſe, Ad rectum habere malefactorem, ſo that he may be charged and put to his Trial. And in another Place he ſaith, Rectatus de morte hominis.

Aſſach.

ASſach ſeems to be a Britiſh Word, and to ſignifie a ſtrange kind of Excuſe or Purgation by the Oaths of 300 Men. An. 1 H. 5. cap. 5.

Aſſart.

ASſart is an Offence committed in the Foreſt, by pulling up by the Roots the Woods which are Thickets or Coverts of the Foreſt, and by making them as plain as the arable Land. This Aſſart of the Foreſt is the greateſt Offence or Treſpaſs that can be done in the Foreſt to Vert or Veniſon, containing in it Waſte, or more: For where Waſte of the Foreſt is nothing but the felling and cutting down of the Covert Wood, which may in Time grow again; an Aſſart is a pulling up by the Root, by which they can never grow again. Manw. part. 2. c. 9. num. 1. A Writ of Ad quod damnum may

le Gaole, la a demurre tanque al prochein Seſſion, pur eſtre indict, ou deliver per Proclamation.

Arretted.

ARretted eſt ceſtuy que eſt appel devant aſcun Judge, & charge ove un crime. Aſcun foits c'eſt uſe pur impute ou laid unto: Sicome nul folly puit eſtre arret a luy que eſt deins age. *Lit. cap. Remit.* Ceſt parol poit vener de Latin parol *Rectus*; car *Bracton* ad ceſt Phraſe, *ad rectum habere malefactorem*, iſſint que il poit eſtre charge & mis a ſon trial. Et en aut' lieu il dit, *Rectatus de morte hominis.*

Aſſach.

ASſach ſemble eſtre un Britiſh parol, & ſignifie un eſtrange eſpece de Excuſe ou Purgation per les Sacraments de trois cents homes. *An.* 1 *H.* 5. *c.* 5.

Aſſart.

ASſort eſt un Offence commit en le Foreſt per arrachment le Boys que ſont Thickets ou Coverts del Foreſt, & per feaſance de eux cy plain come le terre arable. Ceſt Aſſart del foreſt eſt pluis grand offence ou treſpaſs que puit eſtre fait en le Foreſt al Vert ou Veniſon, conteignant en ceo Waſte, ou pluis: Car ou Waſte del Foreſt neſt forſque le felling & ſuccidinge del covert Boys, que poit en temps recreſcer; un Aſſart eſt un arrachment per le root, per que ils ne unques poient creſcer. *Manw. part.* 2. *cap.* 9 *nu.* 1. Un Brief de *Ad quod damnum* poit eſtre agard,

lou un home voile ſue, pur un licence daſſart ſon terre diens le Foreſt, & faire ceſt ſeveral pur Agriculture; iſſint que neſt aſcun offence ſil ſoit fait per licence. *Reg. orig. f.* 257.

Aſſault.

Aſſault (du François *Aſſailler*) ſignifie un violent façon de Injurie offer a la perſon de un home, de un nature plus extendue que Battery; pur ceo que il poit eſtre commis en offrant un coup, ou per les parols menaceants. *Lamb. Eiren. l.* 1. *c.* 3.

Aſſayer.

Aſſayer eſt un Officer del Mint appoint per le Statute 2 *H.* 6. *c.* 12. deſtre preſent al receit del Bullion, come un party indifferent enter le Maſter del Mint & le Merchant, pur determine le vray value de Bullion ſolonque le Ley.

Aſſets.

Aſſets eſt. en deux ſorts; lun appel *Aſſets per deſcent*, lauter *Aſſets enter maines*. *Aſſets per deſcent* eſt, lou un home eſt oblige en un Obligation, & moruſt ſeiſie de terres en Fee-ſimple, queux deſcend a ſon Heir, donques ceſt terre ſerra appel *Aſſets*, ceſt a dire, ſufficient de payer ceſt dett; & per ceſt means le Heir ſerra charge cy avant que le terre iſſint a luy deſcend voil ſtretch. Mes ſil alien devant que le Obligation ſoit miſe en ſuit, il eſt diſcharge.

Auxy quand un home ſeiſie de terre en tail, ou en droit de ſon feme, alien ceo ove Garranty, & ad en value tant be awarded, where a Man will ſue for a License to aſſart his Land within the Forreſt, and make it ſeveral for Tillage; ſo that it is no Offence if it be done by License. Reg. orig. fol. 257.

Aſſault.

ASſault (from the French Aſſailler) ſignifies a violent kind of Injury offered to a Man's Perſon, of a more large Extent than Battery; for it may be committed by offering a Blow, or by a terrifying Speech. Lamb. Eiren. lib. 1. cap. 3.

Aſſayer.

ASſayer is an Officer of the Mint appointed by the Statute of 2 H. 6. c. 12. to be preſent at the taking in of the Bullion, as a Party indifferent between the Maſter of the Mint and the Merchant, to ſet the true Value of the Bullion according to the Law.

Aſſets.

ASſets is in two Sorts; the one called Aſſets per deſcent, the other, Aſſets enter maines. Aſſets per deſcent is, where a Man is bound in an Obligation, and dies ſeiſed of Lands in Fee-ſimple, which deſcend to his Heir, then his Land ſhall be called Aſſets, that is, enough or ſufficient to pay the ſame Debt; and by that Means the Heir ſhall be charged as far as the Land ſo to him deſceended will ſtretch. But if he have aliened before the Obligation be put in Suit, he is diſcharged.

Alſo when a Man ſeiſed of Lands in Tail, or in the Right of his Wife, aliens the ſame with Warranty, and hath in Value as

s much Lands in Fee-simple, hich descends to his Heir, who also Heir in Tail, or Heir to he Woman: Now if the Heir, ter the Decease of his Ance- or, bring a Writ of Formedon, Sur cui in vita, for the Land alienedd; then he shall be bar- ed, by Reason of the Warranty, nd the Land so descended, hich is as much in value as hat which was sold, and so hereby he hath received no Pre- udice. Therefore this Land s called Assets per descent.

Assets enter maines is, when Man indebted (as before is aid) makes Executors, and eaveth them sufficient to pay, or me Commodity or Profit is ome unto them in Right of their Testator; this is called Assets n their Hands.

Assignee.

A Assignee is he to whom a thing is appointed or as- igned to be used, paid, or done; nd is always such a Person ho occupies or hath the thing assigned in his own Right, and or himself. And of Assignees here are two Sorts, namely, Assignee in Deed, and Assignee n Law.

Assignee in Deed is, when a Lease is granted to a Man and is Assignees, or without that word Assignees, and the Grantor ives, grants, or sells the same Lease to another, he is his As- gnee in Deed. Assignee in Law s every Executor named by the Testator in his Testament. As a Lease be made to a Man and is Assignees (as is aforesaid) nd he makes his Executors, nd dies without Assignment of he Lease to any other; the Executors shall have the Lease,

terre en Fee-simple, que de- scend a son Heir, que est auxy Heir en tail, ou Heir al Feme: ore le Heir apres le mort son Ancester, port un Brief de Formedon, ou *Sur cui in vita* pur le terre issint alien; donques il serra barre, per reason dun Garranty, & le terre issint descend, que est tant en value come ceo que fuit vende, & issint per ceo il nad receive ascun prejudice. Pur ceo cest terre est appel *Assets per descent.*

Assets enter maines, est quand un home en dett (come devant est dit) fait Executors, & re- linquist a eux sufficient de payer, ou ascun commodity ou profit est venus al eux en droit lour Testator; cest ap- pel *Assets en lour maines.*

Assignee.

A *Assignee* est celuy a que un chose est appoint ou as- signe destre occupy, pay, ou fait; & est touts foits tiel per- son que occupy ou ad le chose issint assigne en son droit de- mesne, & pur luy mesme. Et de Assignees il y sont deux sorts, nosmement, *Assignee en Fait*, & *Assignee en Ley.*

Assigne en Fait est, quand un Lease est grant al un & a ses Assignees, ou sans cest parol *Assignees*, & le Grantee done, grant, ou vend le dit Lease al aut', il est son Assigne en Fait. *Assignee en Ley* est chescun Executor nosme per le Testator en son Testament. Come si un Lease soit fait al un home & a ses Assignees, (si co- me est avantdit) & il fair ses Ex- ecutors, & morust sans assign- ment del Lease al ascun auter; les Executors averont mesme le

Lease,

Leaſe, pur ceo que ils ſont ſes Aſſignees en Ley. Et iſſint eſt en auters ſemblables caſes.

Aſſiſe.

ASſiſe eſt un Brief que giſt ou aſcun home eſt mis hors de ſon terre ou tenements, ou de aſcun profit a prender en certain lieu & iſſint diſſeiſie de ſon Franktenement. Frantenement a aſcun home eſt, lou il eſt ſeiſie de terre ou tenements, ou profit a prender en Fee-ſimple, Fee-tail, pur term de ſon vie demeſne ou pur aut' vie. Mes Tenant per *Elegit*, Tenant per *Stat. Merchant* & *Stat. Staple* poient aver Aſſiſe, coment que ils nont Franktenement; & ceſt ordein per divers Statutes.

En Aſſiſe il covient touts foits que il ſoit un Diſſeiſor & un Tenant, ou autrement le Brief abatera.

Auxy lou un home eſt diſſeiſie & recovera per Aſſiſe de *Novel Diſſeiſin*, & puis eſt auter foits diſſeſie per meſme le Diſſeiſor, il avera vers luy un Brief de *Rediſſeiſin* directe al Viſcount de faire inquiſition; & ſi trove ſoit le *Reaiſſeiſin*, il ſerra mis en priſon. Auxy ſi home recovera per Aſſiſe de *Mortdanceſtor*, ou per aut' Jury, ou per default, ou per reddition, & ſil ſoit auter foits diſſeiſie, il avera donques un Brief de *Poſt diſſiſin*; & ceſtuy que eſt pris & impriſon pur *Rediſſeiſin*, ne ſerra deliver ſans eſpecial commandment le Roy. Veies les Statutes *Merton c.* 3. *Marlebridge c.* 8. & *Weſtm.* 2. *c.* 26.

Auxy il eſt un aut' Aſſiſe, noſme Aſſiſe de *Freſh-force*, & giſt lou home eſt diſſeiſie de tenements queux ſont deviſables,

because they are his Aſſignees in Law. And ſo it is in other like Caſes.

Aſſiſe.

ASſiſe is a Writ that lies where any Man is put out of his Lands, Tenements, or of any Profits to be taken in a certain Place, and ſo diſſeiſed of his Freehold. Freehold to any Man is, where he is ſeiſed of Lands and Tenements, or Profit to be taken in Fee-ſimple, Fee-tail, for Term of his own or another Man's Life. But Tenant by Elegit, Tenant by Stat. Merchant and Stat. Staple may have Aſſiſe, though they have no Freehold; and this is ordained by divers Statutes.

In an Aſſiſe it is needful alway that there be one Diſſeiſor and one Tenant, or otherwiſe the Writ ſhall abate.

Alſo where a Man is diſſeiſed and recovers by Aſſiſe of Novel Diſſeiſin, and afterward is again diſſeiſed by the ſame Diſſeiſor, he ſhall have againſt him a Writ of Rediſſeiſin directed to the Sheriff to make Inquiſition; and if the Rediſſeiſin be found, he ſhall be ſent to Priſon. Alſo if one recover by Aſſiſe of Mortdanceſtor, or by other Jury, or by Default, or by Reddition, and if he be another Time diſſeiſed, then he ſhall have a Writ of Poſt Diſſeiſin; and he who is taken and impriſoned for Rediſſeiſin, ſhall not be delivered without ſpecial Commandment of the King, See the Statutes Merton c. 3. Marlebridge cap. 8. and Weſtminſter 2. c. 26.

There is alſo another Aſſiſe, called Aſſiſe of Freſh-force, and lies where a Man is diſſeiſed of Tenements which are deviſable,

as in the City of London, or other Boroughs or Towns that are Franchises; then the Defendant shall come into the Court of the said Town, and enter his Plaint, and shall have a Writ directed to the Mayor or Bailiffs, &c. and thereupon shall pass a Jury in manner of Assise of Novel Disseisin. But he must enter his Plaint within forty Days, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the Execution, then the Plaintiff shall have another Writ to have Execution, and a Sicut alias, and a Pluries, &c. See Lit. cap. Rents.

Assise de darrain Presentment.

ASsise de darrain Presentment. See Quare impedit.

Also there is an Assise of Nusance called Assisa Nocumenti.

Assise of the last Presentation.

Assise de utrum.

ASsise de utrum lies for a Parson against a Layman, or for a Layman against a Parson, for Lands or Tenements doubtful whether they are lay Fee or free Alms.

Assise of the Forest.

ASsise of the Forest is a Statute or Condition touching Orders to be observed in the King's Forest.

Assise de Mortdancestor.

ASsise de Mortdancestor cannot be against Brothers or Sisters, where there is Privity of Blood, but against Strangers. Co. Lit. 242. a.

come en le City de *Londres*, ou auter Boroughs ou Villes que sont Franchises; donques le Defendant viendra en le Court del dit Ville, & enter son Plaint & avera un Brief direct al Major ou Bailiffs &c. & sur ceo passera un Jury en manner de Assise de *Novel Disseisin*. Mes il covient que il ent' son Plaint deins quadrangint jours, ut dicitur, ou aut'ment il serra mise a le Common Ley. Et si les Ministers delay Execution, donques le Plaintiff avera un auter Brief daver Execution & *Sicut alias*, & un *Pluries*, &c. Vide *Littleton, cap. Rents.*

Assise de darrain Presentment.

A*Ssise de darrain Presentment.* Vide *Quare impedit.*

Auxy est un Assise de Nusance appel *Assisa Nocumenti.*

Assisa ultimæ Presentationis.

Assise de utrum.

A*Ssise de utrum* gist pur un Parson vers un lay home, ou pur un lay home vers un Parson, pur Terres ou Tenements en averoust si sont lay fee ou frank almoign.

Assise del Forest.

A*Ssise del Forest* est un Statute ou Condition touchant Ordres de estre observe en le Forest del Roy.

Assise de Mortdancestor.

A*Ssise de Mortdancestor* ne poet estre envers Freres ou Soers ou est privity del Sang, mes envers Strangers. Co. Lit. 242. a.

Asso-

Aſſociation.

Aſſociation eſt un Patent mis per le Roy, ou de ſon motion demeſne, ou al ſuit del party Plaintiff, al Juſticcs de Aſſiſe, pur aver auters perſons aſſocies al eux de prender le Aſſiſe: Et ſur ceo Patent de Aſſociation, le Roy mandera ſon Brief as Juſtices de Aſſiſe, eux commandant per icel de eux admitter que ſont iſſint mis.

Si le Roy fait trois Juſtices de Aſſiſe, & puis un de ceux devie, ore le Roy poit faire un Patent a un auter de Aſſociation, de aſſocier luy a les deux, en lieu de ceſtuy que eſt morr, en un Brief, que ſerra cloſe, direct a les deux Juſtices que ſont en vie, de luy admitter. *Fitz. Nat. Brev.* 185.

Aſſoyl.

Aſſoyl venuſt del Latine *abſolvere*, & ſignifie pur bail ou diſcharge aſcun del Excommunication; & iſſint eſt uſe per *Staundford*, Pleas de Coron, *lib.* 2. *cap.* 8. *fol.* 71. *b.*

Aſſumpſit. Vide *Nude Contract.*

Aſſumpſit eſt un voluntary promiſe fait per parol, per que home aſſume ou priſt ſur luy a payer aſcun choſe al auter. Ceſt parol contein en yeel aſcun verbal Promiſe fait ſur conſideration, que les Civilians expreſſe per pluſors parols, accordant al nature del Promiſe; ceo appellant aſcun foits *Pactum*, *Promiſſionem*, auter foits *Sponſionem*, *Pollicitationem*, ou *Conſtitutum*.

Aſſociation.

Aſſociation is a Patent ſent by the King, either of his own Motion, or at the Suit of the Party Plaintiff, to the Juſtices of Aſſiſe, to have other Perſons aſſociated to them to take the Aſſiſe: And upon this Patent of Aſſociation, the King will ſend his Writ to the Juſtices of Aſſiſe, by it commanding them to admit them that are ſo ſent.

If the King makes three Juſtices of Aſſiſe, and afterwards one of them dies, there the King may make a Patent of Aſſociation to another to aſſociate him to the two, in place of him that is dead, in a Writ which ſhall be cloſe, directed to the two Juſtices that are alive, to admit him. Fitz. Nat. Brev. 185.

Aſſoil.

Aſſoil comes from the Latin abſolvere, and ſignifies to deliver or diſcharge a Man of an Excommunication; and ſo it is uſed by Staundford, in his Pleas of the Crown, lib. 2. cap. 18. f. 71. b.

Aſſumpſit. *See* Nude Contract.

Aſſumpſit is a voluntary Promiſe made by Word, by which a Man aſſumes and takes upon him to perform or pay any thing to another. This Word contains in it any verbal Promiſe made upon Conſideration, which the Civilians expreſs by ſeveral Ways, according to the Nature of the Promiſe; calling it ſometimes Pactum, Promiſſionem, other times Sponſionem, Pollicitarionem, or Conſtitutum.

Attach

Attach.

ATtach is a taking or apprehending by Command or Writ. There are some Differences between an Arrest and an Attachment; for an Arrest proceeds out of the inferiour Courts by Precept, and Attachment out of the superiour Courts by Precept or Writ. Lamb. Eiren. lib. 1. cap. 16. Also an Arrest lies only upon the Body of a Man, whereas an Attachment is sometimes upon his Goods only; as Kitch. fol. 279. b. saith, a Man may attach a Cow, and in another Case, that a Man may be attached by an hundred Sheep; and it is sometimes awarded upon the Body and Goods together at one and the same Time.

Attachment differs from a Capias, for Kitch. fol. 79. b. hath these Words, Note, That in a Court Baron a Man shall be attached by Goods, and a Capias shall not go out thence: By which it seems Attachment is more general, extending to the taking of Goods, where a Capias extends to the taking of the Body only.

An Attachment differs from a Distress, as appears by Kitch. fol. 78. a. where he saith, Process in Court-Baron is Summons, Attachment, and Distress, which are Process at the Common Law.

There is also an Attachment of Privilege: and this is twofold; either giving Power to apprehend a Man in a Place privileged, or by Virtue of an Office or Privilege; as to call another to that Court to which he himself belongs, and in

Attach

ATtach est un Prisure ou Apprehending per Command ou Brief. La sont ascuns differences perenter un Arrest & un Attachment; car un Arrest proceed hors del inferiour Courts per Precept, & Attachment hors del superior Courts per Precept ou Brief. *Lamb. Eiren. lib. 1. cap. 16.* Auxy un Arrest gist solement sur le Corps de un home, lou un Attachment est ascun foits sur ses biens solement; come *Kitch. fol. 279. b.* dit, que home poit attach un Vache, & en auter lieu, que home poit estre attach per 100 Barbits; & il est ascun foits agard sur le Corps & biens ensemble al un & mesme le temps.

Attachment differ a un *Capias*, car *Kitchin, fol. 79. b.* ad ceux parols, Nota, Que en Court-Baron home serra attach per biens, & ne isserra *Capias* la: Per que il semble Attachment est pluis general, extendant al prisure des biens, lou *Capias* extend al prisure del Corps solement.

Un *Attachment* differ a un Distress, come appiert per *Kitch. fol. 78. a.* ou il dit. Process en Court-Baron est Summons, Attachment, & Distress, que sont Proceste al Commun Ley.

La est auxy un *Attachment de Privilege*: & ceo est en deux manners; ou donant poyer de apprehender un home en un lieu privilege, ou per vertue dun Office ou Privilege; come de appeller un auter a cel Court a que il mesme est ar-

attendant, & en reſpect de quel il eſt privilege. *Novel Livre de Entries, fol.* 431. *a.*

Et la eſt Proceſs appel *Foreign Attachment*, que eſt uſe al attacher les Biens del Foreigners trove deins aſcun Liberty ou City, pur un Dett due al party meſme. Et per le cuſtom daſcuns lieus, home poit attach Biens en les maines dun Eſtranger: Come ſi *A.* devoit al *B.* 10 livres, & *C.* devoit al *A.* un auter ſum de Argent, *B.* poit attacher les biens de *A* en les maines de *C* a luy ſatisfier ou en part ou en tout, come le Dett eſt.

Auxy la eſt *Attachment del Foreſt*, que eſt un Court la tenus cheſcun 40 jours per tout le An: En que le Verderors nont aſcun auctority, forſque de receiver & inroller les Attachments del Offenders encounter Vert & Veniſon priſe per les auters Officers, que ils poient eſtre preſent al prochein Juſtice-Seat en Eyre. *Manwood, part* 1. *p.* 93. *c.* 22.

Attainder.

A *Trainder* eſt un Conviction daſcun perſon dun crime ou fault dont il ne fuit convict devant: Sicome un home fait Felony, Treaſon, ou tiels ſemblables, & de ceo eſt indict, arraigne, & trove guilty, & ad Judgment, donques il eſt dit deſtre *Attaint*. Et ceo poit eſtre deux voyes; le un ſur Appearance, le auter ſur Default. Le Attainder ſur Appearance eſt per Confeſſion, Battel, ou Verdict: le Attainder ſur Default eſt per Proceſs tanque il ſoit utlage.

Reſpect of which he is privileged. New Book of Entries, fol. 431. a.

And there is a Proceſs called a Foreign Attachment, which is uſed to attach the Goods of Foreigners found within any Liberty or City, for a Debt due to the Party himſelf. And, by the Cuſtom of ſome Places, a Man may attach Goods in the Hands of a Stranger: As if A. owe to B. ten Pounds, and C. owes A. another Sum of Money, B. may attach the Goods of A. in the Hands of C. to ſatisfie himſelf in part or all, as the Debt is.

Alſo there is Attachment of the Foreſt, which is a Court there held every forty Days throughout the Year; In which the Verderors have not any Authority, but to receive and inrol the Attachments of Offenders againſt Vert and Veniſon taken by the other Officers, that they may be preſenteed at the next Juſtice-Seat in Eyre. Manwood. part 1. p. 93. c. 22.

Attainder.

A Trainder is a Conviction of any Perſon of a Crime or Fault whereof he was not convict before: As if a Man have committed Felony, Treaſon, or ſuch like, and thereof is indicted, arraigned, and found guilty, and hath Judgment, then he is ſaid to be Attainted. And this may be two Ways, the one upon Appearance, the other upon Default. The Attainder upon Appearance is by Confeſſion, Battail, or Verdict: The Attainder upon Default is by Proceſs until he be outlawed.

At-

Attaint.

ATtaint is a Writ that lies where falſe Verdict is given by twelve Men, and Judgment given thereon, then the Party againſt whom they have paſſed, ſhall have a Writ againſt the twelve Men; and when they are at Iſſue, it ſhall be tried by twenty-four Jurors, and if the falſe Verdict be found, the twelve Men are Attaint; and then the Judgment ſhall be, That their Meadows ſhall be eyzed, their Houſes broken down, their Woods turned up, and all their Lands and Tenements forfeited to the King: But if it paſs againſt him that brought that Attaint, he ſhall be impriſoned, and grievouſly ranſomed at the King's will. See the Statute 23 Hen. 8. cap. 3. Attaint alſo is when Judgment is given in Treaſon or Felony.

Attendant.

ATtendant is where one owes a Duty or Service to another, or where it depends upon another: As if there be Lord, Meſne, and Tenant, the Tenant holds of the Meſne by a Penny, the Meſne holds over by two Pence, the Meſne releaſes to the Tenant all the Right which he hath in the Land, and the Tenant dies; his Wife ſhall be endowed of the Land, and ſhe ſhall be Attendant to the Heir of the third Part of one Penny, and not of the third Part of two Pence; and ſhe ſhall be endowed of the beſt Poſſeſſion of her Husband. So where a Wife is endowed by the Guardian, ſhe ſhall be Attendant to the Guardian and to the Heir at his full Age.

Attaint.

A *Taint* eſt un Brief que gift lou faux Verdict eſt done per douze homes, & Judgment done ſur ceo, donques le party vers que ils avoient pas, avera ceſt Brief vers les douze homes; & quand ils ſont a iſſue, il ſerra trie per vint quater Jurors, & ſi faux Verdict ſoit trove, les douze Jurors ſont attaint; & donques le Judgment ſerra, que lour Prees ſerront eyrs, lour Meaſons debruſes, lour Bois ſubvertes, & touts lour Terres & Tenements forfeit al Roy: Mes ſil paſſa encounter celuy que port ceſt attaint, il ſerra impriſon, & grievouſment ranſom al volunt le Roy. Vide le Stat. 23 *Hen.* 8. *cap.* 3. *Attaint* auxy eſt quand Judgment eſt done en Treaſon ou Felony.

Attendant.

A *Ttendant* eſt ou un doit un duty ou ſervice al auter, ou come il fuit depend ſur auter: Come ſi la ſoit Seignior, Meſne, & Tenant, le Tenant tient del Meſne per un denier, le Meſne tient ouſter per deux deniers, le Meſne releaſe al Tenant tout le droit que il ad en le terre, & le Tenant moruſt; ſa feme ſerra endow del terre, & el ſerra *Attendant* al Heir del tierce part d'un denier, & nemy del tierce part del deux deniers; car el ſerra endow del mieulx poſſeſſion de ſa baron, Auxy ou le feme eſt endow per le Gardian, el ſerra *Attendant* al Gardian, & al Heir a ſon plein age.

Attorney.

A *Tourney* eſt un deſigne per auter home a faire aſcũ choſe en ſon lieu, le quel *Weſt* iſſint ad define, Attorneys ſont tiels perſons que per conſent, commandment, ou requeſt, caveont, veieront al, & prendront ſur eux le charge de beſoigns de auters homes en lour abſence.

Et lou en ancient temps ceux de authority en Courts ont aver ceo en lour arbitrement, ou ils voilent permitter homes de appearer ou ſuer per aſc' aut' que eux meſmes, come appiert per *Fitz. Nat. Brev.* 25. en le Brief de *Dedimus poteſtatem de Attornato faciendo*, ou il eſt monſtre, que homes ſueront chaſe a procurer les Briefs ou Letters Patents del Roy, al appointer Attorneys pur eux; il eſt ore provide per divers Stat. que il ſerra loyal iſſint a faire ſans aſcũ tiel circuit. Et la eſt grand Diverſity de Briefs en le table del Regiſter, per que le Roy command ces Juges al admit de Attorneys.

Per quel means al darrein la fueront cy pluſors imperite Attorneys, & cy pluſors miſchiefs per eux, que un act fuit 4 *H.* 4. *c.* 18. ordeigne pur lour reſtraint, que les Juſtices examineront eux, & mittront hors le imperites: Et *An.* 33 *H.* 6. *c.* 7. que la ne ſerront mes un certain number de eux en *Norfolk* & *Suffolk*.

Et queux caſes home a ceſt jour poit aver un Attorney & eu queux nemy, veies *Fitz. Nat. Brev.* en le lieu devant cite.

Attorney.

A Tourney is one appointed by another Man to do ſomething in his ſtead, whom Weſt hath defined thus, Attorneys are ſuch Perſons as by Conſent, Commandment or Requeſt, take care of, ſee to, and undertake the Charge of other Mens Buſineſs in their Abſence.

And where in ancient Time thoſe of Authority in Courts have had it in their Diſpoſe, when they would permit Men to appear or ſue by any other than themſelves, as appears by Fitz. Nat. Brev. 24. in the Writ of Dedimus poteſtatem de Attornato faciendo, where it is ſhewed, that Men were driven to procure the Writs or Letters Patents of the King to appoint Attorneys for them; it is now provided by divers Stat. that it ſhall be lawful ſo to do without any ſuch Circuity. And there is great Diverſity of Writs in the Table of the Regiſter, by which the King commands his Judges to admit of Attorneys.

By which Means at laſt there were ſo many unſkilful Attorneys, and ſo many Miſchiefs by them, that an Act was 4 Hen. 4. c. 18. ordained for their Reſtraint, that the Juſtices ſhould examine them, and put out the unſkilful: And Ann. 33 H. 6. c. 7. that there ſhould be but a certain Number of them in Norfolk and Suffolk.

In what Caſes a Man at this Day may have an Attorney, and in what not, ſee Fitz. Nat. Brev. in the Place before cited.

Attorn

Attorney is either general, or ſpecial. Attorney general, is he that is appointed to all our Affairs or Suits; as the Attorney General of the King, Attorney General of the Duke, Crom. 105. Attorney Special or particular is he that is imploy'd in one or more Things particularly ſpecified. Attorneys General are made two Ways, either by the King's Letters Patents, or by our own Appointment, before Juſtices in Eyre in open Court. See Glan. lib. 11. cap. 1. Brit. 126.

Attournment.

ATtournment is, when one is Tenant for Term of Life, and he is Reverſion or Remainder grants his Right or Eſtate to another, then it behoves the Tenant for Life to agree thereto; and this Agreement is called an Attournment. For if he in the Reverſion grant his Eſtate and Right to another, if the Tenant for Life attourn not, nothing paſſes by the Grant.

But if it be granted by Fine in Court of Record, he ſhall be compelled to attourn. And ſee thereof after, Title Quid juris clamat, and in Littl. lib. 3. cap. 10.

Audience Court.

AUdience Court (Curia audientiæ Cantuarienſis) is a Court belonging to the Archbiſhop of Canterbury, of equal Authority with the Arches Court, though inferior both in Dignity and Antiquity. Of which you may read more in a Book entituled, De antiquitate Eccleſiæ Britannicæ Hiſtoria.

Attorney eſt ou general, ou ſpecial. *Attorney General* eſt ceſtuy que eſt deſigne a touts noſtre affaires ou Suits, come le Attorney general del Roy, Attorney general del Duke, *Crom.* 105. *Attorney ſpecial* ou particular eſt ceſtuy que eſt imploy en un ou pluſors choſes particularment ſpecifies. Attorneys general ſont faits deux voyes, ou per les Letters Patents del Roy, ou per noſtre appointment devant Juſtices en Eyre en overt Court. Veies *Glan. lib.* 11. *c.* 1. *Brit.* 126.

Attournment.

A*Ttournment* eſt, quand un eſt Tenant pur term de vie, & ceſtuy en le Reverſion ou Remainder granta ſon droit ou eſtate a un aut', donques il covient que le Tenant pur vie agree a ceo; & ceſt agreement eſt appel *Attournment.* Car ſi ceſtuy en le Reverſion grant ſon eſtate & ſon droit a un auter, ſi le Tenant pur vie ne attourna, riens paſſe per le grant.

Mes ſil ſoit grant per Fine en Court de Record, il ſerra compel de attourne. Et vide de ceo apres, Titulo *Quid juris clamat, & Litt. lib.* 3. *cap.* 10.

Curia de Audience.

C*Uria de Audience* eſt un Curia appertinent al Archeveſque de *Canterbury*, de egal authority avec le *Curia de Arches*, coment que inferieur en dignity & antiquity. De quel vous poies lire pluſeurs en un Livre intitule, *De antiquitate Eccleſiæ Britannicæ hiſtoria.*

Audita Querela.

A*Udita Querela* eſt un Brief que giſt lou un eſt oblige en un Eſtatute-Merchant, Eſtatute-Staple, ou Recogniſance, ou lou Jugement eſt done vers luy pur Dett, & ſon corps en Execution ſur ceo; donques ſil ad un Releas, ou auter ſufficient matter d'eſtre diſcharge del Execution, mes nad jour en Court de ceo pleader, donques il avera ceſt Brief vers ceſtuy que ad recover, ou vers ſes Executors.

Auditeur.

A*Uditeur* eſt un Officer del Roy, ou del auter grand perſon, que per annuel Examination del Accounts de tout inferior Officers accountable, fait un general Livre, que monſtre le difference perenter lour Receptions ou Charge, & lour Payments ou Allocations. Veies le Stat. 33 *H.* 8. *c.* 33.

Eſt auxy un auter ſort de Auditors aſſigne per aſcun Court en quel un Defendant eſt adjuge de Accounter, queux priſteront l' Account, & miſe ceo en form en eſcript, & donque ceo eſt enrol, & le Plaintiff plede a ceo, & le Defendant reply ſi miſtier ſoit, & iſſint aleront al iſſue ſur divers points & particulars del Account.

Average.

A*Verage* eſt le Service que le Tenant doit a ſon Seignior, d'eſtre fait per les avers le Tenant: Et ſemble d'eſtre derive del parol *Ave-*

Audita Querela.

AUdita Querela is a Writ that lies where one is bound in a Statute-Merchant, Statute-Staple, or Recogniſance, or where Judgment is given againſt him for Debt, and his Body in Execution thereupon; then if he have a Releaſe, or other Matter ſufficient to be diſcharged of Execution, but hath no Day in Court there to plead it, then he ſhall have this Writ againſt him which hath recovered, or againſt his Executors.

Auditor.

AUditor is an Officer of the King, or ſome other great Perſon, who, by yearly examining the Accounts of all Under-Officers accountable, makes up a general Book, that ſhews the Difference between their Receipts or Charge, and their Payments or Allowances. See the Statute 33 H. 8. c. 33.

There is alſo another Sort of Auditor aſſigned by any Court wherein a Defendant is adjudged to Account, who take the Account and put it in Form into Writing, and then it is inrolled, and the Plaintiff pleads to it, and the Defendant replies, if occaſion be, and ſo go to Iſſue upon divers Points and Particulars of the Account.

Average.

AVerage is that Service which the Tenant owes his Lord to be done by the Beaſts of the Tenant: And it ſeems to be derived from the Word Aver

because it is the Service which the Tenant's Beasts perform for the Lord by Carriage or otherwise. This Word also hath another Signification, and is much used in the Statute 32 H. 8. c. 14. for a certain Contribution, which Merchants and others pay proportionably towards their Losses that have their Goods cast out in a Tempest for the saving of the Ship, or of the Goods or Lives of them that are therein.

Averiis captis in Withernam.

AVeriis captis in Withernam, is a Writ for taking Cattle to his Use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, so that they cannot be replevied. Reg. of Writs, 82.

Averment.

AVerment is, where a Man pleads a Plea in Abatement of the Writ, or Bar of the Action, which he saith he is ready to prove as the Court will award. This Offer to prove the Plea is called an Averment.

Also there is a Writ called a Writ of Averment, which is made out of any of the Law Courts of Westminster-Hall where the Action is depending, when the Sheriff upon a Distringas returns small Issues; then the Judge of Assise may cause it to be enquired by a Jury, if the Sheriff could return more Issues of the Lands of the Defendant, and if it be found he

ris, pur ceo que est le Service que les Avers le Tenant perform pur le Seignior per carriage ou auterment. Auxy ceo parol ad un auter signification, & est mult use en le Statute 32 *H.* 8 *c.* 14. pur un certain Contribution, que Merchants & auters payont proportionalment pur les perdes de eux que ont lour biens ejects en un tempest pur le safe guard del Niese, ou des biens & vies de eux que sont en le Niefe.

Averiis captis in Withernam.

A *Veriis captis in Withernam*, est un Brief pur prender des Avers a son use, qui avoit son Avers illegalment prise per un aut' & chase hors del County lou ils fueront prise, issint que ils ne point estre replevy. *Reg. Brev.* 82.

Averment.

A *Verment* est, lou un home plead un Plea en Abatement del Brief, ou Barre de Action, que il dit il est prist de prover come le Court voil agard. Cest offer de prover son Plea est appel un *Averment*.

Auxy est un Brief appel Brief de Averment, que est fait hors de ascun Court del Ley a *Westminster* Sale, ou un Action depend, quand le Viscount sur un *Distringas* returne petits issues, donques les Juges al Assises poient cause ceo d'estre enquise per un Jury, si le Viscount poit returne pluis issues des terres le Defendant, & si soit trove que il

poit, donques il doit returne pluis iſſues a compel le Defendant de appear al ſuit del Plaintiff, ou a faire ceo que le *Diſtrirgas* require luy a faire.

Averpeny.

A*Verpeny eſt, quietum eſſe de diverſis denariis pro arrerагiis Domini Regis.*

Augmentation.

A*Ugmentation* fuit le noſme de un Court erect en le 27 *An* del Roy *Henry* le huict. Et le cauſe de ceo fuit, que le Roy puit eſtre voierment uſe touchant les profits de tiels Religious Meaſons & lour Terres que fueront done a luy per Act de Parliament meſme le an, nient imprimee. Pur le diſſolviug le quel Court la fuit un Act fait en le Parliament tenus en le primer an del Reign del Roign *Mary*, *Seſſ* 2. *cap.* 10. que el puis mis en Execution per ſa Letters Patents. Le noſme del Court ſurde de ceo, Que les Revenues del Corone fueront tant *augment* per le Suppreſſion des dit Meaſons quand le Roy reſerve al Corone, & nient done ou vende a lauters. Mes le Office de Augmentation remain a ceſt jour, en que la ſont pluſors Rocords de grand uſe & importance.

Aumone.

A*Umone*, ou *Tenure en Almoin*, eſt Tenure per Divine Service; car iſſint *Brit.* dit, *fol.* 164. *Tenure en Aumone* eſt terre ou tenements done a Aumone, dont aſcun Sermay, then he muſt return moze iſſues to foꝛce the Defendant to appear to the Plaintiff's Suit, oꝛ to do what the Diſtringas required him to do.

Averpeny.

AVerpeny is, to be quit of divers Sums of Money foꝛ the King's Arrearages.

Augmentation.

AUgmentation was the Name of a Court erected in the 27 Pear of King Henry the eighth. And the Cauſe thereof was, that the King might be juſtly uſed touching the Pꝛofits of ſuch Religious Houſes and their Lands, as were given him by Act of Parliament the ſame Pear, not pꝛinted. Foꝛ diſſolving which Court there was an Act made in the Parliament held in the firſt Pear of the Reign of Queen Mary, Seſſ. 2. cap. 10. which ſhe afterward put in Execution by her Letters Patents. The Name of the Court ariſes from this, That the Revenues of the Crown were ſo much augmented by the Suppꝛeſſion of the ſaid Houſes as the King reſerved to the Crown, and neither gave noꝛ ſold to others. But the Office of Augmentation remains to this Day, wherein there are many Recoꝛds of great Uſe and Impoꝛtance.

Aumone.

AUmone, oꝛ Tenure in Almoin, is Tenure by Divine Service; foꝛ ſo ſays Britton fol. 164. Tenure in Aumone is Land oꝛ Tenements given foꝛ Alms, where-

whereof ſome Service is reſerved to the Feoffor or Donor.

Auncel Weight.

AUncel Weight was an ancient Manner of Weighing in England, by the hanging of Balances or Hooks at each end of a Staff, which the Party lifted up upon his Finger, or with his Hand, and ſo diſcerned the Equality or difference of the Things weighed. But this Weight being ſubject to much Deceit, many Statutes were made to ouſt it; as the Stat. of 25 E. 3. c. 9. & 34 E. 3. c. 5. & 8 H. 6. c. 5. and others. And it was called Auncel Weight, as much as to ſay Handſale Weight.

Auncient, or Ancient Demeſne.

ANcient Demeſne is a certain Tenure whereby all thoſe Manors that were in the Hands of St. Edward the Confeſſor, and which he cauſed to be written in a Book called Domeſday, ſub titulo Regis, and all the Lands holden of the ſaid Manors, are held; and the Tenants ſhall not be impleaded out of the ſaid Manors; and if they be, they may ſhew the Matter, and abate the Writ: But if they anſwer to the Writ, and Judgment be given, then the Lands become Frank-fee for ever, until that Judgment be reverſed by Writ of Deceit. Raſt. Ent. 100, 221. 2 R. 3. 1. 11 H. 4. 36. 21 E. 3. 20. Alſo the Tenants in Ancient Demeſne are free of Toll for all Things concerning their Suſtenance and Husbandry in Ancient

vice eſt retenue al Feoffor ou Donor.

Auncel Weight.

A*Uncel Weight* fuit un ancient manner de poiſer en *Angleterre*, per le pender des balences ou hooks al cheſcun fine de un baſton, le quel le party elevate ſur ſon digit, ou ove ſa main, & iſſint diſcerne le equality & difference des choſes poiſes Mes ceo weight eſteant ſubject al mult deceit, divers Statutes fueront faits a ceo ouſter, come le Statute 25 *E.* 3. *c.* 9. *&* 34 *E.* 3. *c.* 5. & 8 *H.* 6. *c.* 5. & auters. Et fuit appel *Auncel Weight*, quaſi *Handſale Weight*.

Auncient, ou Ancient Demeſne.

A*Ncient Demeſne* eſt un certain Tenure per quel touts ceux Manors queux fueront en maines de St. *Edward* le Confeſſor, & les queux il fiſt eſcrier en un Livre appel *Domeſday*, *ſub titulo Regis*, & touts les Terres tenus de dits Manors, ſont tenus; & les Tenants ne ſerra implead hors del dit Manors, & ſils ſoyett, ils poyent monſtre le Matter, & abater le Brief: Mes ſils reſponder al Brief, & plead, & Jugement ſoit done, donques les Terre ſont deverus frank-fee a touts jours, tantque ceo Jugement eſt reverſe per Brief de Deceit. *Raſt. Ent.* 100, 221. 1 R. 3. 1. 11 *H.* 4. 36. 21 *E.* 3. 20. Auxy touts Tenants en Ancient Demeſne ſont frank de Tolle pur touts choſes concernant lour viand & husbandrie en Ancient Demeſne, &

pur tiels Terres ils ne ſerra mis en empanel ſur aſcun Enqueſt. Mes touts les Terres en Ancient Demeſne queux ſont en maines le Roy ſont frankfee. & pleadable al Common Ley. Veies plus apres en le Title *Sokmans.*

ent Demeſne, and for ſuch Lands they ſhall not be put or impanelled upon any Inqueſt. But all the Lands in Ancient Demeſne that are in the King's Hands are frank-fee, and pleadable at the Common Law. See more after in the Title Sokmans.

Avoir de pois.

Avoir de pois eſt tant a dire, *veri ſive juſti ponderis*: Et ſignifie en noſtre Ley deux choſes; primierment, un kind de pois different de ceo que eſt appel *Troy Weight*, que nad forſque 12 ounces al liver, lou le *Avoir de pois*, contein 16 Secondment, il ſignifie tiel Merchandiſes queux ſont poiſes per ceſt Weight, & nemy per *Troy Weight*. Come eſt a veier en le Stat. de *York*, 9 E. 3. & 27 E. 3. c. 19. *Stat.* 2. c. 10. & le Stat. de *Gloceſter*, 2 R. 2. c. 1.

Avoir de pois.

AVoir de pois is as much as to ſay, true or juſt Weight: And it ſignifies in our Law two Things; firſt a kind of Weight diverſe from that which is called Troy Weight, which hath but 12 Ounces to the Pound, whereas Avoir de pois hath 16. Secondly, It ſignifies ſuch Merchandiſes as are weighed by this Weight, and not by Troy Weight. As you may ſee in the Statute of York, 9 E. 3. & 27 E. 3. c. 19. Stat. 2. c. 10. and the Statute of Gloceſter, 2 R. 2. c. 1.

Avowrie.

Avowrie eſt lou un priſt Diſtreſs pur Rent ou auter choſe, & lauter ſua *Replevin*; donques celuy que avoit ceo priſe juſtifiera en ſon Plea pur quel cauſe il priſt ceo: & ſi il priſt ceo en ſon droit demeſne, il doit ceo monſtre, & iſſint avowa le priſel, & ceo eſt appel ſon *Avowrie*. Mes ſil ceo priſt en ou pur le droit de un auter, donques quand il avoit monſtre le cauſe, il ferra conuſance del priſel, come Bailiff ou ſervant a celuy en que droit il priſt ceo.

Avowrie.

AVowry is, where one takes a Diſtreſs for Rent or other Thing, and the other ſues a Replevin; then he that hath taken it ſhall juſtifie in his Plea for what Cauſe he took it: And if he took it in his own Right, he ought to ſhew that, and ſo avow the taking, and that is called his Avowry. But if he took it it in or for the Right of another, then when he hath ſhewed the Cauſe, he ſhall make Conuſance of the taking, as Bailiff or Servant to him in whoſe Right he took it.

Avowterer.

AVowterer is an Adulterer with whom a married Woman continues in Adultery, the Crime is called Avowtry. 43 E. 3. 19.

Awme.

AWme is a Veſſel that contains 40 Gallons of Rheniſh Wine, and is mentioned in the Statute made 1 Jac. c. 23.

Avowterer.

A *Vowterer* eſt un Adulterer ove que un feme Covert continue en Adulterie, le Crime eſt appel *Avowtry*. 43 E. 3. 19.

Awme.

A *Wme* eſt un Veſſel que conteine 40 broces de Vine Rheniſh & eſt mention en Statute fait 1 *Jac. c.* 23.

B.

Backberind-Thief.

BAckberind-Thief is a Thief taken with the Manner that is, having that found upon him (being followed with a Hue and Cry) which he hath ſtolen, whether it be Money, Linen, Woollen, or other Stuff: but it is moſt properly ſaid, when he is taken carrying thoſe things that he hath ſtolen in a Bundle or Fardel upon his Back.

Manwood in Part 2. notes this for one of the Circumſtances or Caſes in which a Foreſter may arreſt the Body of any Defender againſt Vert or Veniſon in the Foreſt; which are, Dog-draw, Stable-ſtand, Backberind, and Bloody-hand.

Badger.

BAdger is as much as to ſay Bagger, of the French Word Baggage, i. e. Sarcina: And it is uſed with us for one that is licenſed to buy Corn or other Victuals in one Place, and carry them to another; and ſuch a one is exempted in the Statute made

B.

Backberind Thief.

B *Ackberind-Thief* eſt un Laron priſe ove le manner, c'eſt adire, aiant ceo trove ſur luy (eſteant purſue ove le Hue & Cry) le quel il ad emblee, ſoit il Money, Linen, Woollen, ou auter ſtuff: mes il eſt pluis properment dit, quand il eſt priſe portant tielx choſes que il ad emblee en un bundle ou fardel ſur ſon Dorſe.

Manwood en parr 2. ceo note per un des quarter circumſtances ou caſes en que un Foreſter poit arreſt le Corps de aſcun Offender encounter Vert ou Veniſon en le Foreſt; queux ſont, *Dog-draw*, *Stable-ſtand*, *Backberind*, & *Bloody-hand*.

Badger.

B *Adger* eſt tant adire come Bagger, del Francois parol *Baggage*, i. e. *Sarcina*: Et eſt uſe ove nous pur un que eſt licence de achater Corn ou auters Victuals en un lieu, & de eux tranſporter al auter; & tiel home eſt exempt en le

Statute fait *An.* 5 & 6 *E.* 6. *c.* 14. del puniſhment de un *Ingroſſer* deins ceo Statute.

Baile.

BAILE eſt, quand un home eſt priſe ou arreſt pur Felony, ſuſpicion de Felony, indict de Felony, ou aſcun tiel caſe, iſſint que il eſt reſtraine de ſon libertie, & eſteant per le Ley bailable, offera Surety al eux que ont auctority de luy Bailer; queux Sureties ſont oblige pur luy al uſe le Roy en certain ſume de argent, ou corps pur corps, que il appiera devant les Juſtices de Gaol-delivery al prochein Seſſions, &c. Donques ſur les Bonds de ceux Sureties (come eſt avantdit) il eſt bail, c'eſt adire, mis al liberty, tanque le jour appoint pur ſon Appearance.

Manwood in le prime part de ſon *Foreſt Ley*, *pag.* 167. dit, Que la eſt un grand diverſity perenr, *Bail* & *Mainpriſe*; car ceſtuy que eſt mainpriſe eſt touts foits dit deſtre a large, & daler a ſon liberty demeſne hors de gard, puis que il eſt mis al Mainpriſe, jeſque le jour de ſon appearance, per reaſon de common Summons, ou auterment. Mes neſt iſſint ou home eſt mis al Bail per quat' ou deux homes, per le Seign' Chief Juſtice en Eyre del Foreſt, jeſque un certain jour: car la il eſt touts foits account per le Ley deſtre en lour gard & cuſtody per le temps, & ils poient, ſils voilont, ſtener luy en gard ou en priſon au ceſt temps, ou auterment a lour volunt: Iſſint que il que eſt bail ne ſerra dit per le Ley deſtre a large, ou a ſon liberty demeſne.

made in the 5 and 6 of E. 6. c. 14. from the Puniſhment of an Ingroſſer within that Statute.

Bail.

BAIL is, when a Man is taken or arreſted for Felony, Suſpicion of Felony, indicted of Felony, or any ſuch Caſe, ſo that he is reſtrained of his Liberty, and being by Law bailable, offers Sureties to thoſe who have Authority to bail him; which Sureties are bound for him to the King's Uſe in a certain Sum of Money, or Body for Body, that he ſhall appear before the Juſtices of Gaol-delivery at the next Seſſions, &c. Then upon the Bonds of theſe Sureties, as aforeſaid, he is bailed, that is ſet at Liberty, until the Day appointed for his Appearance.

Manwood in the firſt Part of his Foreſt-Law, pag. 167. ſays, There is a great Diverſity between Bail and Mainpriſe; for he that is mainpriſed is always ſaid to be at large, and to go at his own Liberty out of Ward, after he is put to Mainpriſe, until the Day of his Appearance, by reaſon of common Summons or otherwiſe. But it is not ſo where a Man is put to bail by four or two Men, by the Lord Chief Juſtice in Eyre of the Foreſt, until a certain Day: for there he is always accounted by the Law to be in their Ward and Cuſtody for the Time; and they may, if they will, hold him in Ward or in Priſon till that Time, or otherwiſe at their will; ſo that he that is bail'd ſhall not be ſaid by the Law to be at large, or at his own Liberty.

Baile-

Bailement.

BAilement is a Delivery of things, whether Writngs, Goods, or Stuff, to another, ſometimes to be delivered back to the Bailor, that is, to him that ſo delivered it; ſometimes to the Uſe of the Bailee, that is, of him to whom it is delivered; and ſometimes alſo, it is delivered to a third Perſon. This Delivery is called a Bailement.

Bailiff.

BAiliff is an Officer that belongs to a Manor, to order the Husbandry, and hath Authority to pay Quit-rents iſſuing out of the Manor, fell Trees, repair Houſes, make Pales, Hedges, diſtrain Beaſts doing hurt upon the Ground, and divers ſuch like. This Officer is he whom the ancient Saxons called a Reeve, for the Name Bailiff was not then known amongſt them, but came in with the Normans, and is called in Latin Villicus.

There are two other ſorts of Bailiffs, that is, Bailiffs errant, and Bailiffs of Franchiſes. Bailiffs errant are thoſe that the Sheriff makes and appoints to go about the County to execute Writs, to ſummon the County Seſſions, Aſſiſes, and ſuch like: Bailiffs of Franchiſes are thoſe that are appointed by every Lord within his Liberty, to do ſuch Offices within his Precincts, as the Bailiff errant doth abroad in the County. This Bailiff diſtrains for Amerciaments in Courts held within the Manor of which he is Bailiff. But if ſuch Court is by Preſcription to be held

Bailement.

B*Ail.ment* eſt un Delivery de choſez, ſoyent ils Eſcripts, Biens, ou Stuff, al auter, aſcun foits deſire redeliver arrere al Bailor, c'eſt adire, al celuy que iſſint deliver cto; aſcun foits al uſe del Bailee, c'eſt adire, de luy a que il eſt deliver; & aſcun ſoits auxy il eſt deliver a un tierce perſon. Ceſt delivery eſt appel un *Bailement*.

Bailiff.

B*Ailiff* eſt un Officer que appertient a un Manor, pur order le husbandry, & ad authority de payer Quit-rents iſſuant hors del Manor, ſuccider arbres, repair les Meaſons, faire pales, haies, diſtrain avers damage feaſant ſur le terre, & divers tiels ſemblables. Ceſt Officer eſt celuy que les ancient *Saxons* appel un *Reeve*, car le noſme *Bailiff* ne fuit donques conus enter eux, mes vient eins ove les *Normans*, & eſt appel en Latin *Villicus*.

La ſont deux aut' ſorts de Bailiffs, ceſt a dire, *Bailiffs errant*, & *Bailiffs de Franchiſe*. *Bailiffs errant* ſont ils que le Vicount fait & deſign daler environ le County a executer Briefs, a ſummon le County Seſſions, Aſſiſes, & tiels ſemblables. *Bailiffs de Franchiſes* ſont tiels que ſont deſign per cheſcun Seign' deins ſon Liberty, a faire tiels Offices deins ſon Precincts que le Bailiff errant fait a large en le County. Ceſt Bailiff diſtrain pur Amerciaments aſſeſſe en les Courts tenus deins le Manor de quel il eſt Bailiff. Mes ſi tiel Court eſt per preſcription deſtre tenus

nus deins un mois apres un Feaſt, & le Seneſchal tient ceo apres le mois, & en ceo Court aſſeſſe un Fine ou Amerciament, & le Bailiff diſtrain pur ceo; le party que eſt iſſint diſtrein poit aver un action de Treſpaſs vers le Bailiff.

within one Month after a Feaſt, and the Steward holds it after the Month, and in this Court aſſeſs a Fine or Amerciament, and the Bailiff diſtrains for it; the Party that is ſo diſtrained may have an Action of Treſpaſs againſt the Bailiff.

Bank.

BAnk (en François *Banque*, i. *Menſa*) eſt uſualment pris pur un Selle ou Bank de Judgment, come *Bank le Roy*, *Bank de Common Pleas*, ou *Cimmon Bank*, *Kitchin fol.* 102. Appel auxy en Latin *Bancus Regius*, & *Bancus Communium Placitorum*. *Cromp. Jur. f.* 67, & 91.

Bank.

BAnk (in French Banque, i. Menſa) is moſt uſually taken for a Seat or Bench of Judgment, as Bank le Roy, the King's Bench, Bank de Common Pleas, the Bench of Common Pleas, or Common Bench, Kitchin fol. 102. Called alſo in Latin Bancus Regius, and Bancus Communium Placitorum. Cromp. Jur. f. 67, & 91.

Bank le Roy.

BAnk le Roy eſt un Court a *Weſtminſter* lou les Pleas del Corone, Debts, Treſpaſſes & perſonel Actions, Errors, *Audita Querila*, &c. ſont determine.

King's-Bench.

KIng's-Bench is a Court at Weſtminſter, where Pleas of the Crown, Debts, Treſpaſſes, and perſonal Actions, Errors, Audita Querela, &c. are determined.

Bankrupt.

BAnkrupt per le Statute 1 *Jac. c.* 15. eſt iſſint deſcribe; touts & cheſcun tiel perſon & perſons, uſant, ou que uſeroit le Trade de Merchandiſe per voye de Exchanges, Barterie, Cheviſance, ou auterment en groſs, ou per querant ſon, ſa, ou lour Trade de viver per emption ou vendition, & eſteant un Subject nee de ceſt Realm, ou aſcun des dominion del Roy, ou denizen que al aſcun temps citra le prime jour de ceſt preſent Parliament, ou al aſcun temps en apres depart' a le Royalm. ou commence a retaine ſou ou ſa meaſon ou meaſons, ou auterment de abſent' luy ou ſa meſme, ou prendra ſanctuarie, ou ſuffer luy, ou ſa

Bankrupt.

BAnkrupt, by the Statute 1 Jac. c. 15. is thus deſcribed; all and every ſuch Perſon and Perſons, uſing, or that ſhall uſe the Trade of Merchandiſe by way of Bargaining, Exchange, Barterey, Cheviſance, or otherwiſe in groſs, or by ſeeking his, her, or their Trade of living by buying and ſelling, and being a Subject born of this Realm, or any of the King's Dominions, or Denizen, which at any Time ſince the firſt Day of this preſent Parliament, or at any Time hereafter, ſhall depart the Realm, or begin to keep his or her Houſe or Houſes, or otherwiſe to abſent him or her ſelf, or take Sanctuary, or ſuffer him

or

her ſelf willingly to be ar-
ſted for any Debt, or other
thing not grown or due for
oney delivered, Wares ſold,
any other juſt or lawful
auſe, or good Conſiderations or
urpoſes, or hath or will ſuffer
m or her ſelf to be outlawed,
yield him or her ſelf to Priſo-
n, or willingly or fraudu-
ntly hath or ſhall procure him
her ſelf to be arreſted, or his
her Goods, Money or Chat-
ls, to be attached or ſequeſtred,
depart from his or her Dwel-
ng-houſe, or make or cauſe to be
ade any fraudulent Grant or
onveyance of his, her, or their
ands, Tenements, Goods or
hattels, to the Intent, or
hereby his, her, or their Cre-
tors, being Subjects born,
s aforeſaid, ſhall or may be
feated or delayed for the Re-
very of their juſt and true
ebt, or being arreſted for
ebt, ſhall after his or her
rreſt lie in Priſon ſix Months
more, upon that Arreſt or
etention in Priſon, ſuch Per-
n, ſhall be accounted and ad-
dged a Bankrupt to all Intents
nd Purpoſes. See the Stat.
Car. 2. cap. 23. And ſeveral
ther Statutes ſince.

Banneret.

A Banneret is a Knight made in
the Field, with the Cere-
mony of cutting off the Point
his Standard, and making it
s it were a Banner. And ſuch
re allowed to diſplay their
rms in a Banner in the
ing's Army, as Barons do.
nd that ſuch were next unto
Barons in Dignity, appears
the Statute made in the 5
ear of R. 2. Stat. 2. cap. 4. by

meſme voluntairment deſtre
arreſt pur aſcun Debt, ou aſcun
choſe nient creſſant ou due
pur argent deliver, wares vend,
ou aſcun auter juſt ou loyal
cauſe, ou bone conſiderations
ou purpoſes, ou ad ou voile
ſuffer luy ou ſa meſme d'eſtre
utlage, ou done luy ou ſa meſ-
me al priſon, ou voluntairment
ou fraudulentment ad ou por-
currera luy ou ſa meſme d'e-
ſtre arreſt, ou ſon ou ſa biens,
argent ou chattels, d'eſtre attach
ou ſequeſtre, ou departera de
ſon ou ſa meaſon inhabit, ou
faira ou cauſera d'eſtre fait
aſcun fraudulent Grant ou
Conveyance de ſon, ſa, ou
lour Terres, Tenements, Biens
ou Chattels, al entent ou per
que ſon, ſa, ou lour Creditors,
eſteant Subjects nee, come
avantdit, ſerra ou poient eſtre
defeat ou delay pur le recovery
de lour juſt & voyer Dett, ou
eſteant arreſt pur Dett, apres
ſon ou ſa Arreſt giſera in
priſon ſiz moys ou pluis, ſur
ceſt Arreſt, ou aſcun auter
Arreſt ou Detention en Priſon,
tiel Perſon ſerra accompt &
adjudge un *Bankrupt* a cheſ-
cun intents & purpoſes. Veies
le Stat, 14 *Car.* 2. *c.* 23. Et
pluſieurs aurers deins ceo.

Banneret.

B*Anneret* eſt un Chivaler
fait en le Camp, ove le
Ceremony del amputer le
point de ſon Standard & fea-
ſant ceo ſicome un *Banner*. Et
tiels ſont allows pur diſplay
lour Armes en un Banner en
le Army le Roy come Barons
ſont. Et que tiels fueront pre-
cheins as Barons en dignity,
appiert per le Statute fait en le
5 anno de *R.* 2. *Stat.* 2. *cap.* 4. per
quel

quel Statute ſemble que tiels Bannerets fueront ancientment appels per Summons al Parliament.

Bannum.

B*Annus ſive Bannum* eſt un parol frequent & ordinary enter les Feudiſts, & ſignifie un Proclamation, ou aſcun publique notice done de aſcun choſe. *Bra. l.* 3. *tra.* 2. *cap.* 21. fait mention de *Banno Regis* pur un Proclamation, ou ſilence fait per le Crier devant le congreſſe des Champions en un combat. Mes nous noſme ceſt parol *Bannus* principalment pur le Publication des Contracts matrimonial en le Eſgliſe devant Marriage.

Bargain & Sale.

B*Argain & Sale* eſt, quand un Recompence eſt done per ambideux les parties al Bargain: Come ſi un bargain & vend ſon Terre al aut' pur argent, icy le terre eſt un Recompence a luy pur le argent, & le argent eſt un Recompence al auter pur le Terre; & ceo eſt un bone Contract & Bargain. Et per tiel Bargain & Sale Terres poient paſſe ſans Livrie de ſeiſin, ſi le Bargain & Sale ſoit per Fait indent, ſeal & inrole, ou en le County lou le terre giſt, ou en un des Courts del Roy de Record al *Weſtminſter*, deins ſize moys prochein apres le date de meſme le Eſcript indent, &c. accordanr al Statute en ceo caſe fait en le 27 an. de *H.* 8. *cap.* 16.

which Statute it ſeems, ſuch Bannerets were anciently called by Summons to the Parliament.

Banns.

BAnns is a word common and ordinary among the Feodiſts, and ſignifies a Proclamation, or any Publick Notice given of any Thing. Bract l. 3. tra. 2. cap. 21. makes mention of Bannus Regis for a Proclamation or ſilence made by the Crier before the meeting of the Champions in a Combat. But we uſe this Word Banns eſpecially for the Publication of matrimonial Contracts in the Church before Marraige.

Bargain and Sale.

BArgain and Sale is, when a Recompence is given by both the Parties to the Bargain: As if one bargain and ſell his Land to another for Money, here the Land is a Recompence to him for the Money, and the Money is a Recompence to the other for the Land; and this is a good Contract and Bargain. And by ſuch a Bargain and Sale Lands may paſs without Livery of Seiſin, if the Bargain and Sale be by Deed indented, ſealed and inrolled, either in the County where the Land lies, or in one of the King's Courts of Record at Weſtminſter, within ſix Months next after the Date of the ſame Writing indented, according to the Statute in that Behalf made in the 27 Year of H. 8. cap. 16.

Barcary.

Barcary.

BArcery ſignifies a Farm-houſe as it ſeems, Raſt. Ent. Tit. Aſſiſe en Corps politique 2.

Barmote.

BArmote are divers Courts not of Record within the Hundred of the Peak in Derbyſhire for the Regulation of Groves, Poſſeſſions, and Trade of the Miners and Lead.

Barony.

BArony is a certain Royal Lordſhip where the King's Writ runneth not, and held of the King. Raſt. Ent. Tit. Aſſiſe en Office, 1.

Barr.

BArr is when the Defendant in any Action pleads a Plea which is a ſufficient Anſwer, and deſtroys the Action of the Plaintiff for ever.

And it may be divided into Barr to common Intendment, and Bar Special. Bar to common Intendment is an ordinary or general Barr, which commonly diſables the Declaration or Plea of the Plaintiff. Bar Special is that which is more than ordinary, and falls out in the Caſe in Queſtion, upon ſome ſpecial Circumſtance of the Fact: As an Executor, being ſued for the Debt of his Teſtator, pleads, That he hath nothing in his Hands at the Day of the Writ purchaſed; this is a good Bar to common Intendment, or at firſt Sight; But yet the Caſe may be ſuch, that more Goods may come to his Hands after that Time, which if the Plaintiff can ſhew by way of Replication, then except the

Barcary.

B*Arcary* ſignifie un Farm meaſon come ſemble. *Raſt. Ent. Tit. Aſſiſe en corps politique* 2.

Barmote.

B*Armote* ſont divers Courts nient de Record deins le Hundred del *Peak* in *Derbyſhire* pur le regulation des Groves, Poſſeſſions & Trade del Miners & Plumb.

Barony.

B*Arony eſt quoddam Dominium regale ubi Breve Domini Regis non currit, & tentum de Domino Rege.* Raſt. Ent. Tit. Aſſiſe en Office, 1.

Barr.

B*Arr* eſt, quand le Defendant en aſcun Action plede un Plea que eſt un ſufficient Reſpons, & adnulle l' Action de Plaintiff a touts jours.

Et ceo poit eſtre divide en *Bar al common Intendment*, & *Bar ſpecial. Barr al common intendment* eſt un ordinary ou general Barr, que communement diſable le Count ou Plea del Plaintiff. *Barr ſpecial* eſt ceo que eſt pluis que ordinary, & happa en le caſe en Queſtion, ſur aſcun ſpecial Circumſtance del fact: Come un Executor, eſteant ſue pur le Dett de ſon Teſtator plede, Que il ad riens en ſes maines al jour quand le Brief fuit purchaſe; ceo eſt un bone Barr al common intendment, ou *prima facie*: Mes uncore le caſe poit eſtre tiel, que pluſors biens poient venir a ſes maines puis cel temps, que ſi le Plaintiff poit monſtre per voy de Replication,

cation, donque ſi non que le Defendant ad un pluis ſpecial Plea ou Bar de alledger, il eſt d'eſtre condempne en l'Action. Veies *Plow. f.* 26, 28. Et en meſme le ſenſe Barr eſt auxy divide en *Barr material* ou *ſpecial* & *Barr a large. Kitch. f.* 68.

Barr eſt auxy en regard del effect divide en *Barr perpetual*, & *Barr temporary. Perpetual* eſt ceo que quaſh le Action a touts jours: *Temporary* eſt ceo que eſt bone pur le preſent, & puit apres failer: Come, *Plene adminiſtravit* eſt bone Barr jeſque puit appearer que pluſors biens vient puis al maines des Executors: Queux auxy tient pur le Heir, que en un Action de ſon Anceſtors Dett plede *Reins per diſcent.* Veies *Brook Tit. Barr. nu.* 23.

Barr fee.

Barr fee eſt un Fee de vint deniers, que cheſcun Priſoner que eſt acquit de Felony, paiera al Viſcount ou Gaoler: Et de ceo veies 21 *H.* 7. 16. *b.*

Barretry.

EST un parol uſe en Policies de Inſurance, & ſignifie diſſenſions & quarrels perenter les Officers & Seamen.

Barretor.

Barretor eſt Common Mover, Excitor, ou Maintainer de Suits, Quarrels, ou parts, ou en Courts, ou en Pays: En Courts de Record, & en le County, Hundred, & aut' inferior Courts: En Pays, en trois Manners; primerment, en diſturbance del peace, ſe-

Defendant hath a more ſpecial Plea or Barr to alledge, he is to be condemned in the Action. See Plow. f. 26, 28. And in the ſame ſenſe Barr is alſo divided into Barr material or ſpecial, and Barr at large. Kitch. f. 68.

Barr is alſo in Regard of the Effect divided into Barr perpetual, and Barr temporary. Perpetual is that which overthrows the Action for ever: Temporary is that which is good for the preſent, and may afterwards fail; as, Fully adminiſtred is a good Barr, until it appear that more Goods came afterward to the Hands of the Executors: Which alſo holds for the Heir, who in an Action of his Anceſtor's Debt pleads Nothing by Diſcent. See Brook, Tit. Barr. nu. 23.

Barre fee.

BArr fee is a Fee of twenty Pence, which every Priſoner acquitted of Felony, pays to the Sheriff or Gaoler: Of which ſee 21 H. 7. 16. b.

Barretry.

IS a Word uſed in Policies of Inſurance, and ſignifies Diſſenſions and Quarrels among the Officers and Seamen.

Barretor.

BArretor is a Common Mover, Stirrer up, or Maintainer of Suits, Quarrels, or Parts, either in Courts, or in the Country: In the Courts of Record, and in the County, Hundred, and other inferior Courts: In Country in three Manners; firſt, in diſturbing the Peace, ſe-

condly, in taking or detaining the Poſſeſſions of Houſe, Lands or Goods, &c. that are in Queſtion or Controverſie, not only by Force, but by Subtilty and Deceit. and more uſually in ſuppreſſion of Truth and Right; thirdly, by falſe inventing and ſowing of Calumnies, Rumors and Reports, making Diſcord and Diſquiet to riſe between his Neighbours. See more of this, Co. lib. 8. fol. 36, 37.

Barter.

BArter ſeems to come of the French Word Barater, which ſignifies to Circumvent: And this Word is uſed with us for the Exchange of Wares for Wares; and it is mentioned in the Statutes of 1 R. 3. cap. 9. & 13 Eliz. cap. 7.

Baſe Fee.

TO hold in Fee Baſe is, to hold at the Will of the Lord. And a Baſe Fee is alſo where any hath an Eſtate in Land ſo long as another ſhall have Heirs of his Body, of which Eſtate ſee Plow. in Walſingham's Caſe, fol. 557. a.

Baſtard.

BAſtard is he that is born of any Woman not married, ſo that his Father is not known by Order of Law, and therefore he is reputed the Child of the People.

When ſpecial Baſtardy is alledged, it ſhall be tried by the Country, and not by the Biſhop. But generally Baſtardy alledged ſhall be tried by Certificate of the Biſhop.

condment, en priſel ou detainer des Poſſeſſions des Meaſons, terre, ou biens, &c. que ſont en queſtion ou controverſie, non ſolement per force, mes auxy per ſubtilty & deceit, & pluiſtoſt en ſuppreſſion de verity & droit; tiercement, per faux invention & ſowing de Calumniations, Rumors, & Reports, faiſant diſcord & diſquiet furg' inter ſes vicines. Veies plus de ceo, *Co. lib.* 8 *fol.* 36, 37.

Barter.

B*Arter* ſemble de vener del François parol *Barater* (i. e.) *Circumvenire*: Et c'eſt parol eſt uſe ove nous pur le Exchange des Wares pur Wares, & eſt mention en les Statutes 1 *R.* 3. *cap.* 9. *&* 13 *Eliz. cap.* 7.

Baſe fee.

TEner en *Fee Baſe* eſt, a tener a volunt le Seignior. Et un *Baſe Fee* eſt auxy lou aſcun ad Eſtate en terre per cy longe temps come auter avera Heirs de ſon Corps; de quel Eſtate veies *Plow.* en *Walſingham's* Caſe, *fol.* 557. *a.*

Baſtard.

B*Aſtard* eſt celuy que eſt nee de aſcun feme nient eſpouſe, iſſint que ſon pere neſt conus per le order del Ley, & pur ceo il eſt dit *Filius Populi.*

Quand eſpecial Baſtardie eſt alledge, ill ſerra trie per le Pays, & nemy per l'Eveſque. Mes generalment Baſtardie alledge ſerra trie per le Certificate del Eveſque.

Et

Et ſi un Feme ſoit groſſe de Enfant per ſa Baron, que moruſt, & el priſt auter Baron, & apres le Enfant eſt nee; ceſt Enfant ſerra dit le Enfant de primer Baron. Mes ſi el fuit privement enſeint al temps del Mort ſa primer Baron, donques il ſerra dit le Enfant de ſecond Baron. Sed quære, & veies le opinion de *Thorp*, 21 *E.* 3. 39.

Auxy ſi home prent feme que ſoit groſſement enſeint per aſcun auter que ne fuit ſa baron, & apres le Enfant eſt nee deins les Eſpouſals; donques il ſerra dit le Enfant de baron, meſque il fuit nee forſque un jour apres les Eſpouſals.

And if a Woman be great with Child by her Husband, who dies, and ſhe takes another Husband, and after the Child is born; this Child ſhall be eſteemed the Child of the firſt Husband. But if ſhe were privily with Child at the Time of the death of her firſt Husband, then it ſhall be reputed the Child of the ſecond Husband. But enquire farther, and ſee the Opinion of Thorp. 21 E. 3. 39.

Alſo if a Man take a Wife who is great with Child by another who was not her Husband, and after the Child is born within the Eſpouſals; then it ſhall be deemed the Child of the Husband, though it were born but one Day after the Eſpouſals ſolemnized.

Baſton.

Baſton eſt un parol François, *& ſignificat Baculum*; mes en noſtre Statutes eſt priſe pur un des Servants del Gardein le *Fleet*, que attend les Courts le Roy ove un color'd Baſton, pur le prender de eux al gard que ſont commiſe per le Court, & pur le attender ſur eux que eſteants Priſoners ſont permiſes de aler a large per Licence. Et iſſint eſt uſe en le Statutes 1 *R.* 2. *c.* 12. *&* 5 *Eliz. c.* 23.

Baſton.

BAſton is a French Word, and ſignifies a Staff; but in our Statutes it is taken for one of the Warden of the Fleet's Men, that attends the King's Courts with a painted Staff, for the taking of ſuch to Ward as are committed by the Court, and for the attending upon ſuch Priſoners as go at large by Licenſe. And ſo it is uſed in the Statutes 1 R. 2. c. 12. & 5 Eliz. c. 23.

Battail.

Battail eſt un ancient Trial en noſtre Ley, que le Defendant en un appeal de Murder, Robbery, ou Felony, poit eſlier, ceſtaſcavoir, a combater ove l'Appellant, pur proof ſil ſoit culpable del Felony ou non: quel combate ſil ſucceed cybien del part le Defendant,

Battail.

BAttail is an ancient Trial in our Law, which the Defendant in an Appeal of Murder, Robbery or Felony, may chuſe, that is, to fight with the Appellant, for Proof whether he be culpable of the Felony or not: Which Combat, if it fall out ſo well on the Part of the

Defendant, that he doth vanquish the Appellant, he shall go quit, and barr him of his Appeal for ever. But if one be indicted of Felony, and an Appeal be brought upon the same Indictment, there the Defendant shall not wage Battail. Battail also may be in a Writ of Right, as in Paramour's Case, Dyer 301. pl. 41, 42. where the Champions were chosen, and the Battail awarded, and the Champions were by Sureties and Oath to perform the Battel at Totchil in Westminster; but by default of Appearance in the Demandant nothing was done therein.

Battery.

BAttery is an Act that tends to the Breach of the Peace of the Realm; as when a Man assaults and beats another, this is against the Law and Peace of the Realm, which ordains, That no Man shall be his own Judge, or Revenger of his own private Wrong, but shall leave this to the censure of the Law which is always ready to hear and redress the rightful and just Complaints of every Man: Wherefore he that is so beaten may either indict the other Party, who upon it shall be fined to the King, or have his Action of Trespass of Assault and Battery against him (for every Battery implies an Assault) and recover so much in Costs and Damages as the Jury will give him by their Verdict; and the Defendant shall upon the Indictment be fined to the King, and the Action of Trespass will lie as well before as after the Indictment. But if the Plaintiff in

Batterie.

B*Atterie* est un Act que tend al breach del Peace del Royalm; sicome quand un home assault & batter un auter, ceo est encounter le Ley & peace del Royalm, le quel ordeigne, Que nul home serra son Judge demesne, ou Revenger de son private tort, mes ceo laisera al censure del Ley, que est touts foits prist de oyer & redresser les droiturel & just querels de chescun home: Pur que cestuy q; est issint assault poit ou inditer lauter party, que sur ceo serra fine al Roy, ou aver son Action de Trespas de Assault & Battery vers luy (car chescun Battery imply un Assault) & recover tant en costs & damages que le Jury voile doner a luy per lour Verdit; & le Defendant sur cest Indictment serra fine al Roy, & le Action de Trespas voile giser cybien devant come apres le indictment. Mes si le Plaintiff en ciel

Action ſiſt le primer Aſſault, donques le Defendant alera quit, & le Plaintiff ſerra amerce al Roy pur ſon faux Suit. Et eſt d'eſtre obſerve que le Record del Conviction del party per Indictment poit ſerve pur evidence en le Action de Treſpaſs port ſur meſme le Aſſault & Battery.

Mes nient obſtant que le party avera un double puniſhment pur tiel offence, ceſt a dire, ſerra puniſh al Roy & al party; uncore aſcuns y ſont que en reſpect de lour natural, & auters que en reſpect de lour civil Power & auctority ouſter aut', en un reaſonable & moderate manner poient eux chaſtiſer, correcter, & batter; come le Parent lour Fits, le Maſter ſon Servant ou Apprentice, le Goaler ou ſon Servant les turbulent priſoners, le Officer ceſtuy que eſt arreſt, & ne voile auterment obeyer. Auxy home poit juſtifie le batture d'un auter en defence de ſon perſon demeſne, ou de le perſon de ſon feme, pere, miere, ou maiſter. Et home poit juſtifie le batture de un auter en defence de ſes biens, & en maintenance de Juſtice. Mes eſt d'eſtre note, Que en ceux caſes, ſi home ne ſoit urge & conſtrain per un neceſſary cauſe, il ne poit juſtifie le fait.

such Action makes the firſt Aſſault, then the Defendant ſhall go quit, and the Plaintiff ſhall be amerced to the King for his falſe Suit. And it is to be obſerved, that the Record of the Conviction of the Party by Indictment may ſerve for Evidence in the Action of Treſpaſs brought upon the ſame Aſſault and Battery.

But notwithſtanding that the Party ſhall have a twofold Puniſhment for ſuch Offence, that is, ſhall be puniſhed to the King and to the Party; yet ſome there are, who in Reſpect of their natural, and others who in Reſpect of their civil Power and Authority over others, in a reaſonable and moderate Manner may chaſtiſe, correct and beat them; as the Parents their Child, the Maſter his Servant or Apprentice, the Gaoler or his Servant, the unruly Priſoners, the Officer him that is arreſted, and will not otherwiſe obey. Alſo a Man may juſtifie the beating another in Defence of his own Perſon, or of the Perſon of his Wife, Father, Mother, or Maſter. And a Man may juſtify the beating of another in Defence of his Goods, and in Maintenance of Juſtice. But it is to be noted, That in theſe Caſes, if a Man be not urged and conſtrained by a neceſſary Cauſe, he cannot juſtify the Deed.

Beacons & Seamarks.

SOnt Fews maintain ſur les coaſts del Mere a preventer Shipwracks & Invaſions. *Co. 4. Inſt.* 148. order per Commiſſioners del Roy.

Beacons and Sea-marks.

ARE Fires maintained on the Coaſts of the Seas to prevent Shipwrecks and Invaſions. Co. 4. Inſt. 148. ordered by the King's Commiſſioners.

Bedell.

BEdell is derived from the French Word Bedeau, which ſignifies a Meſſenger or an Apparitor of a Court, that cites men to the Court to appear and anſwer. And Manw. cap. 23. f. 221. a. ſays, That a Bedell of a Foreſt is an Officer that goes through all the Foreſt, like a Sheriff's ſpecial Bailiff.

Is alſo a Collector of Rents for the King. Plow. Com. 199, 200.

Benefice.

BEnefice (Beneficium) is generally taken for an Eccleſiaſtical Living, be it a Dignity or other; As An. 13 R. 2. Stat. 2. c. 2. where Benefices are divided into Elective, and of Gift.

Beneficio primo Eccleſiaſtico habendo.

BEneficio primo Eccleſiaſtico habendo, is a Writ directed from the King to the Chancellor or Lord-Keeper, commanding him to beſtow the Benefice that ſhall firſt fall in the King's Gift, above or under ſuch a Value, on ſuch a Man who is named in the Writ. Reg. Orig. fol. 307. b.

Benefit of the Clergy. See Clergy.

Beſaile.

BEſaile is a Writ that lies for the Heir, where his Great-Grand-father was ſeiſed the Day that he died, or died ſeiſed of Land in Fee-ſimple, and a Stranger enters the Day of the

Bedell.

B*Edell* eſt derive del François parol *Bedeau*, que ſignifie le Meſſenger d'un Court, ou un que cite home a ceo pur appear & reſponder. Et *Manwood, cap.* 23. *f.* 221. *a.* dit, que un Bedell del Foreſt eſt un Officer que ala per tout le Foreſt, ſemble al ſpecial Bailiff le Viſcount.

Eſt auxy un Collector des Rents pur le Roy. *Plow. Com.* 199, 200.

Benefice.

B*Enefice (Beneficium)* eſt generalment pris pur aſcun Living Eccleſiaſtique, ſoit Dignitie ou aut': Come *An.* 13 *R.* 2. *Stat.* 2. *c.* 2. ou *Benefices* ſont deviſe en *Elective*, & de *Don.*

Beneficio primo Eccleſiaſtico habendo.

B*Eneficio primo Eccleſiaſtico habendo* eſt un Brief direct del Roy al Chancellour ou Seignour Keeper, commandant luy a doner le Benefice que primerment echerra en le don le Roy, deſuis ou deſoubs un tiel Value, a un tiel home que eſt noſme en le Brief. *Reg. Orig. fol.* 307. *b.*

Benefit del Clergy. Veies *Clergy.*

Beſaile.

B*Eſaile* eſt un Brief que gift pur le Heir, lou ſon Beſaile fuit ſeiſie jour que il moruſt, ou moruſt ſeiſie de Terre en Fee-ſimple, & un Eſtranger enter jour del mort

le Beſaile, ou abate apres ſon mort, le Heir avera ceſt Brief vers tiel Diſſeiſor ou Abator: Et veies de ceo *Fitz. Nat. Brev.* 221. *d.*

Bewpleader.

Bewpleader eſt un Brief ſur le Statute de *Marlebridge*, & giſt ou le Viſcount ou auter Bailiff en ſon Court voile prender un Fine del Party Plaintiff ou Defendant, pur ceo que il ne pledera bellement, &c. Et le Brief ſerra direct al Viſcount meſme, ou al Bailiff, ou ceſtuy que voil demand ceſt Fine; & eſt come un Prohibition a luy, commandant luy que il ne demandera tiel Fine, & puit eſtre ſue per tout le Hundred, ou per tout le County, come ſemble, lou il voile demand tiel Manner de Fine de eux. *Fitz. Nat. Brev.* 270. *a.*

Bigamy.

Bigamie fuit un Counter-plea object quand le Priſoner demand le Benefit del Clergie, ceſtaſcavoir, ſon Livre, come noſmement, que il que demand le priviledge del Clergy fuit marrie a tiel feme en tiel Lieu, deins tiel Dioceſſe, & que el eſt mort, & que il ad apres marrie un auter feme deins meſme le Dioceſſe, ou diens aſcun auter Dioceſſe, & iſſint *Bigamus*. Ou ſil nad eſte forſque un temps marrie, donques a dire, que el que il eſpouſe eſt, ou fuit un Vieſe, ceſt a dire, la Relict d'un tiel,, &c. Le quel choſe ſerra trie per le Eveſque de le Dioceſſe ou le Eſpouſels ſont allege. Et eſteant iſſint certifie per le Eveſque, le Priſoner

death of the Great-grand-father, or abates after his death, the Heir ſhall have this Writ againſt ſuch a Diſſeiſor or Abator: Of which ſee Fitz. Nat. Brev. 221. d.

Bewpleader.

BEwpleader is a Writ upon the Statute of Marlebridge, and lies where the Sheriff or other Bailiff in his Court will take a Fine of the Party, Plaintiff or Defendant, to the End that he ſhall not plead fairly. &c. And the Writ ſhall be directed to the Sheriff himſelf, or to the Bailiff, or him that will demand this Fine, and it is as a Prohibition to him, commanding him that he ſhall not demand ſuch a Fine, and may be ſued by all the Hundred, or by all the County, (as it ſeems) where he will demand ſuch Manner of Fine of them. Fitz. Nat. Brev. 270. a.

Bigamy.

BIgamy was a Counter-plea objected when the Priſoner demanded the Benefit of the Clergy, to wit, his Book, as namely, that he who demands the Privilege of the Clergy was married to ſuch a Woman at ſuch a Place, within ſuch a Diocels, and that ſhe was dead, and that he hath married another Woman within the ſame Diocels, or within ſome other Diocels, and ſo is Bigamus. Or if he have been but once married, then to ſay, that ſhe whom he hath married is, or was a Widow, that is, the Relict of ſuch a one, &c. which ſhall be tried by the Biſhop of the Diocels where the Marriages are alledged. And being ſo certified by the Biſhop, the Priſo-

ner ſhall loſe the Benefit of the Clergy. But at this Day, by Force of the Act made 1 E. 6. cap. 12. this is no Plea, but he may have his Clergy notwithſtanding. So is Brook, titulo Clergie, Placito 20. to the ſame purpoſe,

perdera le Benefit del Clergie. Mes al ceſt jour, per force de le Act fait 1 E. 6. c. 12. ceo eſt nul Plea, mes que il puit aver ſon Clergie ceo nient obſtant. Iſſint eſt *Brook, titulo Clergie, placito* 20. al meſme purpoſe.

Bi-Laws. See By-Laws.

Bi-Laws. Veies *By Laws.*

Bilinguis.

Bilinguis in general is a Man with a double Tongue; but is commonly uſed for that Jury which paſſes between an Engliſhman and an Alien, whereof part ought to be Engliſhmen and part Strangers. And for this Cauſe it is enacted by the Statute of 28 E. 3. cap. 13. That if any Variance chance to be about the packing of Wool before the Mayor of the Staple, between the Merchants or Miniſters of the ſame, thereupon, to try the Truth thereof, Enqueſt ſhall be taken: And if the one Party and the other be Denizens, it ſhall be tried by Denizens; or if the one Party be Denizen, and the other Alien, the half of the Enqueſt or of the Proof ſhall be Denizens, and the other half Aliens.

Bilinguis.

Bilingulis en general eſt un home ove un double langue; uncore il eſt communement uſe pur ceſt Jury que paſſont perenter un home de *Angleterre*, & un Alien, de que part covient eſtre homes de *Angleterre*, & part Eſtrangers. Et pur ceo eſt enact per le Statute de 28 *E.* 3. *c.* 13. Que ſi aſcun debate happa d'eſtre ſur le packing de Lane devant le Major del Staple, ent' les Merchants ou Miniſters del meſme, ſur ceo, de prover la veritie de ceo, Enqueſt ſerra priſe: Et ſi lun partie & lauter ſoit Denizen, il ſerra trie per Denizens; ou ſi lun partie ſoit Denizen, & lauter Alien, le moiety de l' Enqueſt ou del proof ſerra Denizens, & lauter moiety de Aliens.

Bill.

BILL is all one with an Obligation, ſaving that when it is in Engliſh, it is commonly called a Bill, in Latin an Obligation. Alſo a Declaration in writing that expreſſes either the Grievance and Wrong which the Complainant has ſuffered by the Party complained of, or elſe the Fault by him committed againſt ſome Law or Statute of the Realm. By a Bill we now

Bill.

BILL eſt la meſme choſe ove un Obligation, forſq; quand il eſt en Anglois, il eſt communement appel un *Bill*, en Latin, un *Obligation*. Auxy un Declaration en eſcript, que expreſſe ou le grievance & injury que le Plaintiff ad ſuffer per le partie de que le plaint eſt fait, ou aſcun fault per luy commiſe contre aſcun Ley ou Statute de le

Royalm. Per un *Bill* nous maintenant entendons un ſingle Bond ſans Condition; per un Obligation, un Bond ove un Penalty & Condition. *Weſt. part* 2. *Symbol. tit. Supplications, ſect.* 52.

Billa vera.

Billa vera eſt le Indorſement del grand Enqueſt ſur aſcun Preſentment ou Indictment que ils trovont eſtre probablement voyer; & ſur ceo le Partie preſente eſt dit d'eſtre indicte del crime, & iſſint oblige a faire reſponſe a ceo, ou pur confeſſing ou traverſing l' Indictment.

Et ſi le Crime touche la Vie del Perſone endict, adonques il eſt refer a un auter Inqueſt, que ſont appel le Jury de vie & mort, queux, ſils trove luy culpable, adonques il eſtoye convict del Crime, & eſt per le Judge a eſtre condemne a mort. Veies *Ignoramus* & *Indictment.*

Biſſextile.

Biſſextile (en Lat. *Biſſextilis*) vulgairment appel *Leap-year*, pur ceo que le 6 jour devant les Calendes de *March* eſt bis reckon'd, *viz.* ſur le 24 & 25 de *February*; de ſorte què l' ann Biſſextile avera un jour pluis que les auters anns, & happera cheſcun 4 ann. Ceſt Intercalation d' un jour fuit primerment invente per *Julius Cæſar*, a faire l' ann agreer ove le Cours du Soleil. Et a prevenir toute ambiguitie que pourroit ſurder ſur ceo, il eſt ordeine per le Eſtatute *De Anno Biſſextili*, 21 *H.* 3. que le jour encreaſing en le Leap-

Royalm. Per un Bill nous maintenant entendons un ſingle Bond ſans Condition; per un Obligation, un Bond ove un Penalty & Condition. *Weſt. part* 2. *Symbol. tit. Supplications, ſect.* 52.

Billa vera.

Billa vera is the Indorſement of the Grand Enqueſt upon any Preſentment or Indictment which they find to be probably true; and thereupon the Party preſented is ſaid to ſtand indicted of the Crime, and ſo bound to make Anſwer unto it, either by confeſſing or traverſing the Indictment.

And if the Crime touch the Life of the Perſon indicted, it is then referred to another Inqueſt, who are called the Jury of Life and Death; who, if they find him guilty, then he ſtands convicted of the Crime, and is by the Judge to be condemned to Death. See Ignoramus and Indictment.

Biſſextile.

Biſſextile (en Lat. Biſſextilis) vulgarly called Leap-year, becauſe the firth Day before the Calends of March is twice reckon'd, viz. on the 24th and 25th of February; ſo that the Biſſextile Year hath one Day more than other Years. and happens every fourth Year. This Intercalation of a Day was firſt invented by Julius Cæſar, to make the Year agree with the Courſe of the Sun. And to prevent all Ambiguity that might ariſe thereon, it is ordained by the Statute De Anno Biſſextili 21 H. 3. That the Day increaſing in the Leap-year, and

Day next before, shall be accounted but one Day. See Britton, fol. 209. and Dyer 17 Eliz. 345.

Blackmail.

BLackmail is a Word used in the Statute of 43 Eliz. c. 13. and signifies a Certainty of Money, Corn, Cattle, or other Consideration, given by the poor People in the North of England. to Men of great Name and Alliance in those Parts, to be by them protected from such as usually rob and steal there.

Black Rod.

BLack Rod is the Usher belonging to the most Noble Order of the Garter; so called of the Black Rod he carries in his Hand. He is also Usher of the Lords House in Parliament.

Bloodwit.

BLoodwit is to be quit of Amerciaments for Bloodshedding; and what Pleas are holden in your Court, you shall have the Amerciaments thereof coming; because (Wit) in English, is Misericordia in Latin.

Bloody Hand.

BLoody Hand is the Apprehension of a Trespasser in the Forest against Venison, with his Hands or other Part bloody, though he be not found chasing or Hunting. Of which see Man. part 2. c. 18.

year, & le jour prox. devant, serront accompte forsque un jour. Veier *Britton, fol.* 209. & *Dyer* 17 *Eliz.* 345.

Blackmail.

B*Lackmail* est un parol use en le Stat. 43 *Eliz. c.* 13. & signifie un certain rate des Deniers, Blees, Cattel, ou auter consideration, done per les povers homes en le North parts de *Angleterre*, as homes de grand noisme & alliance en ceux parts, d'estre per eux protects del eux que usualment robbe & embler la.

Black Rod.

B*Lack Rod* est le Huissier appurtein' a tres Noble Order de Jarter; issint appel de la *Black Rod* que il port en son main. Il est auxy Huissier de la Meason des Peers en Parliament.

Bloodwit.

B*Loodwit est, quietum esse de Amerciamentis de Sanguine fuso; & que teneantur Placita in Curia vestra, habebitis Amerciamenta inde provenientia*; quia (*Wit*) en Anglois, est *Misericordia* en Latin.

Bloody Hand.

B*Loody Hand* est le apprehension de un Trespasser en le Forest vers Venison, ove ses maines ou ascun part de luy embrues en sank, coment que il ne foit trove chasing ou hunting. De quel veies *Man. part* 2. *c.* 18.

Bockland.

BOckland en temps de *Saxons* fuit ceo terre que nous a ceo jour appellomus Franktenement, ou terre tenus per Charter; & fuit per ceo noſme diſtinguiſh del *Folkland*, que fuit terre tenus per Copy.

Bockland.

BOckland in the Saxons Time was that we at this Day call Free-hold Lands, or Land held by Charter; and it was by that Name diſtinguiſhed from Folkland, which was Copy-hold Land.

Bona fide.

BOna *fide*. Nous diſomus, que ceo eſt fait *bona fide*, que eſt fait reelment ove un bon foy, ſans Fraude ou Diſceipt. Il eſt mentionne en les Eſtatutes 12 *Car.* 2. *cap.* 18. & 15 *Car.* 2. *cap.* 5.

Bona fide.

BOna fide. We ſay, that is done bona fide, which is done really with a good Faith, without Fraud or Deceit. It is mentioned in the Statutes 12 Car. 2. cap. 18. and 15 Car. 2. cap. 5.

Bona notabilia.

BOna *notabilia* eſt lou un home devy ayant biens al value de 5 *l.* en divers Dioceſſes, donque le Archeveſque doit commit Adminiſtration; & ſi aſcun inferior Eveſque grant ceo, ceo eſt void. 37 *H.* 6. 27, 28. 10 *H.* 7. 18. *Dyer* 305.

Bona notabilia.

BOna notabilia is where a Man dies having Goods to the Value of five Pound in divers Dioceſſes, then the Archbiſhop ought to grant Adminiſtration; and if any inferior Biſhop do grant it, it is void. 37 H. 6. 27, 78. 10 H. 7. 18. Dyer 305.

Bonis non amovendis.

BOnis *non amovendis* eſt un Brief direct as Viſcounts de *Londres*, &c. chargeant eux, que un home, contre le quel un Judgment eſt obteine en un Action, & que proſecute un Brief d' error, ne ſoit permis a remover ſes biens jeſque le Error ſerra trie. *Reg. de Briefs, fol.* 131. *b.*

Bonis non amovendis.

BOnis non amovendis is a Writ directed to the Sheriffs of London, &c. to charge them, that a Man, againſt whom a Judgment is obtain'd in an Action, and who proſecutes a Writ of Error, be not ſuffered to remove his Goods till the Error be tried. Reg. of Writs, fol. 131. b.

Bordlands.

BOrdlands ſignifie le Demeſnes que Seigniors tenent en leur maines demeſne, pur le maintenance de leur *Bords* ou Tables. *Bracton l.* 4. *Tract.* 3. *c.* 9. *num.* 5.

Bordlands.

BOrdlands ſignifie the Demeſns which Lords keep in their own Hands, for the Maintenance of their Bord or Table. Bracton l. 4. Tract. 3. c. 9. num. 5.

Borow.

Borow.

BOrow (which) with us ſignifies an ancient Town, as appears by Littleton, Sect. 164.) is a Word derived either of the French Burg, id eſt, Pagus, or of the Saxon Borhoe, id eſt, Pignus, for that anciently the Neighbours of a Town became Pledges one for another; and from thence comes Headborow, for the chief Pledge, or Borhoe-Aldere, with us now called the Borowholder or Burſholder.

Borow Engliſh.

BOrow Engliſh is a cuſtomary Deſcent of Lands or Tenements in ſome Places, whereby they come to the youngeſt Son, or if the Owner have no Iſſue, to his youngeſt Brother, as in Edmunton. Kitch. fol. 102.

Borowhead.

BOrowhead. See Headborow.

Bote.

BOte is an old Word ſignifying Help, Succour, Aid, or Advantage, and is commonly joined with another Word, whoſe Signification it doth augment; as theſe, Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote, and divers other, for whoſe Significations look in their proper Titles.

Bottomry, vulgo Bomry.

IS when a Maſter of a Ship in Caſe of Neceſſity doth engage his Ship for Money for the Uſe of the Ship.

Borow.

BOrow (que oveſque nous ſignifie un ancient Ville come appiert per *Littleton, Sect.* 164.) eſt un parol derive ou del Francois *Burg*, id eſt, *Pagus*, ou del Saxon parol *Borhoe*, id eſt, *Pignus*, pur ceo que en ancient temps vicines dun Ville deveignont Pledges lun pur lauter: & de ceo venuſt *Headborow*, pur le chief Pledge ou *Borhoe-Aldere*, que nous appellomus le Borowholder ou le Burſholder.

Borow Engliſh.

BOrow *Engliſh* eſt un cuſtumary Deſcent del Terres ou Tenements en quelques lieus, per la quel ils vient a la pluis june fits. ou ſi le proprietour ad nul iſſue, a ſon pluis june frere; come en *Edmunton. Kitch. fol.* 102.

Borowhead.

BOrowhead. Veies *Headborow.*

Bote.

BOte eſt un veil parol, & ſignifie Help, Succor, Aid, ou Advantage; & eſt communement joyn ove un aut' parol, que ſignification il augment, come ceux, *Bridgebote*, *Burgbote*, *Firebote*, *Hedgbote*, *Plowbote*, & divers tiels ſemblables, pur queux ſignifications veies en lour proper Titles.

Bottomry, vulgo Bomry.

EST quand un Maſter dun Neife en caſe de neceſſity gage ceo pur denyers pur le uſe de le Neife.

Bribor.

BRibor (Fr. *Bribeur*, i. *Mendicus*) ſemble de ſignifier luy que pilfer les biens des aut homes, come Habits hors d'un feneſtre, ou tiels ſemblables. *Anno* 28. *E.* 2. *Stat.* 1.

Brief.

BRief (*Breve*) ſignifie plus properment en noſtre Ley, le Proceſs que iſſuiſt hors del Chancery ou auter Court, commandant le Viſcount de ſummoner ou attacher *A.* pur reſponder al Suit *B.* &c. Mes plus largement eſt priſe pur aſcun Precept del Roy en eſcript ſouth Seal, iſſuant hors de aſcun Court, per que il command aſcun choſe deſtre fait pur le furtherance del Juſtice & bone order. Et ils ſont appel *Briefs* (*Brevia*) pur ceo que ils briefment comprehend le cauſe del Action, & *rem brevit' enarrant.* Et aſcun de eux ſont Originals, & aſcun Judicials, come poies veier alarge en le Regiſter des Briefs.

Ils ſont ſize Briefs en Ley, que poent eſtre maintein per voy de Prevention, devant aſcun Moleſtation, Diſtreſs, ou Impleading. Brief de Meſne devant que il ſoit diſtrain. *Warrantia Chartæ*, devant il ſoit implead. *Monſtraverunt*, devant aſcun vexation. *Audita Querela*, devant Execution ſue. *Curia claudenda*, devant default de Incloſure. *Ne injuſte vexes*, devant Moleſtation. Et ceux ſont noſme *Brevia anticipantiæ.*

Bribor.

BRibor (Fr. Bribeur, i. Mendicus) ſeems to ſignifie one that pilfers other Mens Goods, as Cloaths out of a Window, or the like. Anno 28. E. 2. Stat. 1.

Brief.

BRief (Breve) ſignifies moſt properly in our Law, the Proceſs that iſſues out of the Chancery or other Court, commanding the Sheriff to ſummon or attach A. to anſwer to the Suit of B. &c. But more largely it is taken for any Precept of the King in writing under Seal, iſſuing out of any Court, whereby he commands any thing to be done for the Furtherance of Juſtice and good Order. And they are therefore called Briefs, becauſe they briefly comprehend the Cauſe of the Action. And ſome of them are original, and ſome judicial, as you may ſee at large in the Regiſter of Writs.

There are ſix Writs in Law, which may be maintained by way of Prevention, before Moleſtation, Diſtreſs, or Impleading. A Writ of Meine before he be diſtrained. Warrantia Chartæ, before he be impleaded. Monſtraverunt, before any Vexation. Audita Querela, before Execution ſued. Curia claudenda, before Default of Incloſure. Ne injuſte vexes, before Diſturbance. And theſe are called Writs of Prevention.

Broadhalpeny.

BRoadhalpeny, in ſome Copies Broadhalfpeny, that is, to be quit of a certain Cuſtom exacted for ſetting up of Tables or Boards in Fairs or Markets; and thoſe that were freed by the King's Charter of this Cuſtom had this Word put in their Letters Patents: by Reaſon whereof, at this Day the Freedom it ſelf (for Brevity of Speech) is called Broadhalpeny.

Broker.

BRoker ſeems to come of the French Word Broieur, id eſt, Tritor, he that grinds or breaks a thing into ſmall Pieces. And the true Trade of a Broker, as it appears in the Statute made 1 Jac. c. 21. is to beat, contrive, make and conclude Bargains between Merchants and Tradeſmen. But the Word is now alſo appropriated to thoſe that buy and ſell old and broken Apparel and Houſhold-ſtuff.

Brugbote.

BRugbote (and in ſome Copies Bridgbote) is to be quit of giving Aid to the Repair of Bridges.

Bull.

BULL is an Inſtrument ſo called, granted by the Biſhop of Rome, and ſealed with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the Nature of the thing for which it is granted. And theſe Inſtruments have been heretofore uſed and of Force in this Land: but by the Statute of 28 H. 8. c.

Broadhalpeny.

B*Roadhalpeny*, en aſcun Copies *Broadhalfpeny*, *hoc eſt, quietum eſſe de quadam conſuetudine exacta pro Tabulis* levie ou boards en Fairs ou Markets; & ceux que eſteont enfranchiſed per le Charter le Roy de ceſt cuſtom ont ceſt parol miſe en lour Lett' Patents; per reaſon de quel, a ceſt jour le Enfranchſemint meſne (pur le brevity de elocution) eſt appel *Broadhalpeny.*

Broker.

B*Roker* ſemble de vener del parol François *Broieur, id eſt, Tritor*, ceſtuy que grinde ou rumper un choſe en petit parcels. Et le voyer office dun Broker, come appiert per le Stat. fait 1 *Jac. c.* 21. eſt de batre, contriver, faire & concluder bargains ent' Merchants & Tradeſmen. Mes le parol eſt ore auxi appropriate as eux que achate & vende vieux & broken Apparel & Houſhold-ſtuff.

Brugbote.

B*Rugbote* (& en aſcuns Copies *Bridgebote*) *eſt quietum eſſe de auxilio dando ad reficiendum Pontes.*

Bull.

B*ULL* eſt un Inſtrument iſſint appel, grant per l'Eveſque de *Rome*, enſeal ove un Seal de Plumb, & conteinent en ceo ſes Decrees, Commandments, ou aut' Acts, accordant al nature del choſe pur que il eſt grant. Et ceux Inſtruments ont eſtre cy devant uſe & de force en ceſt Terre: mes per le Statute de 28 *H. 8 c. 16* fuit

enact,

enact, Que touts *Bulls*, Breves, Faculties, & Diſpenſations, de quelque noſme ou nature que il fuit, ad ou obtaine del Eveſque de *Rome*, ſerront tout ouſterment void, & del nul effect. Vide *Raſtal.* 328. C. D.

enacted, That all Bulls, Breves, Faculties, and Diſpenſations of whatſoever Name or Nature that it was, had or obtained from the Biſhop of Rome, ſhould be altogether void and of no effect. See Raſtal. 328. C. D.

Bullion.

BUllion venuſt del parol Fançois *Bullion*, que eſt le lieu lou Or eſt trie. Et iſſint *Bullion* eſt priſe en les Statutes fait en 27 *E.* 3 *Stat.* 2. *c.* 14. & en 4 *H.* 4. *Stat.* 1. *c.* 10. pur le lieu a que Or ou Argent eſt port d'eſtre trie ou exchange. Mes *Bullion* eſt auxy priſe en le Statute 9 *E.* 3. *Stat.* 2. *c.* 2. pur Or ou Argent en le Maſſe ou Billet.

Bullion.

BUllion comes from the French Word Billion, which is the Place where Gold is tried. And ſo Bullion is taken in the Statutes made in 27 E. 3. Stat. 2. c. 14. and in 4 H. 4. Stat. 1. c. 10. for the Place whither Gold or Silver is brought to be tried or exchanged. But Bullion is alſo taken in the Stat. 9 E. 3. Stat. 2. c. 2. for Gold or Silver in the Maſs or Billet.

Burbreach.

BU*rbreach eſt, quiet' eſſe de Tranſgreſſionibus factis in Civitate vel Burgo contra pacem.*

Burbreach.

BUrbreach is, to be quit of Treſpaſſes done in City or Borough againſt the Peace.

Burgage.

TEner en *Burgage*, eſt a tener ſicome les Burgers teignent de Roy ou de auter Seignior, Terres ou Tenements, rendant a luy un certain Rent per an; ou auterment lou un auter home que Burgers tient d'aſcun Seignior, Terres ou Tenements en Burgage, rendant a luy un certain Rent.

Burgage.

TO hold in Burgage is, to hold as the Burgers hold of the King, or of another Lord, Lands or Tenements, yielding him a certain Rent yearly, or elſe where another Man than Burgers holds of any Lord, Lands or Tenements in Burgage, yielding him a certain Rent.

Burghbote.

BU*rghbote eſt, quietum eſſe de auxilio dando ad faciendum Burgum, Caſtrum, Civitatem, Moros proſtrat'.*

Burghbote.

BUrghbote is, to be quit of giving Aid to make a Borough, Caſtle, City, or Walls thrown down.

Burgh Engliſh.

BU*rgh Engliſh*, ou *Borough Engliſh*, eſt un Cuſtome en un ancient Borough, que

Burgh Engliſh.

BUrgh Engliſh or Borough Engliſh, is a Cuſtom in ſome antient Borough, that if a Man hath

hath iſſue divers Sons, and dies, yet the youngeſt Son only ſhall inherit, and have all the Lands and Tenements that were his Father's, whereof he died ſeiſed within the ſame Borough, by Deſcent, as Heir to his Father by Force of the Cuſtom of the ſaid Borough.

This Tenure is alſo of Copyhold Eſtates by Cuſtom of divers Manors.

Burglary.

BUrglary is, when one breaks and enters into the Houſe of another in the Night, with felonious Intent to rob or kill, or to do ſome other Felony; in which Caſes, although he carry away nothing, yet it is Felony, for which he ſhall ſuffer Death. Otherwiſe it is if it be in the Day-time, or that he break the Houſe in the Night, and enter not therein at that Time.

But if a Servant conſpire with other Men to rob his Maſter, and to that Intent opens his Maſter's Doors and Windows in the Night for them, and they come into the Houſe by that way; this is Burglary in the Strangers; and the Servant is a Thief, but no Burglar. And this was the Opinion of Sir Roger Manwood, Knight, Lord chief Baron of the Exchequer, at the Quarter-Seſſions holden at Canterbury in January 1579. 21. Eliz.

Butlerage.

IS an old Duty to the Kings of this Realm for Wine imported by Aliens. Moor, Rep. 833.

ſi un home ad iſſue divers fits, & moruſt, uncore le puiſne fits ſolement inherit', & avera touts les Terres & Tenements que fueront de ſon pere, de que il moruſt ſeiſie deins meſme le Burgh, per diſcent, come Heir a ſon pere, per force del Cuſtome de meſme le Burgh.

Ceo Tenure eſt auxy de Copyhold Eſtates per Cuſtome de divers Manors.

Burglary.

B*Urglarie* eſt, quand un debruſe & enter en le Meaſon de un auter en le nuit, ove felonious intent de robber ou occider, ou de faire auter Felonie; en queux caſes, nient obſtant il import riens, uncore il eſt Felonie, pur que il ſerra pendue. Auterment eſt ſil ſoit en le jour, ou que il debruſe le meaſon en le nuit, & ne entra pas en ceo a ceſt temps.

Mes ſi un Servant conſpire ove auters de robber ſon Maſter, & a cel entent il ouvre les Doors & Feneſtres de ſon Maſter en le nuit pur eux, & ils vient en le meaſon per ceſt voy; ceo eſt Burglarie en les eſtrangers, & le Servant eſt un Laron, mes nemy un Burgler. Et ceo fuit le opinion de Sir *Roger Manwood*, Chivaler, Seignior chief Baron de le Exchequer, a la Quarter-Seſſions tenus en *Canterbury* en *January* 1579. 21 *Eliz.*

Butlerage.

EST un veiel Duty a Roys de ceſt Royalm pur vine import per Aliens. *Moor, Rep.* 833.

By-Laws.

BY-Laws, (en Lat. *Billagines*) iſſint appelle per le *Goths*, les *Suedes*, les *Danois*, & les *Saxons*, de les parols *By*, que en touts ceux Languages ſignifie une Ville, & *Lagh* ou *Laghen*, que ſignifie Leys, c'eſt a dire, Leys faits *obiter*, ou per le Bye ; tiels que ſont faits en Courts-Leet ou Courts-Baron, per le commun Conſent, pur le particular bien de ceux que ſon le feaſours, ouſter que le Commun ou Statute Ley liera. Les ſemblables ſont generalment allowe per Lettres Patentes d' Incorporation a aſcun Guild ou Fraternitie, pur le meillour Regulation de Traffick perenter eux meſmes, & ove auters. *Co. Lib. 6. fol. 63. a Kitchin, fol. 45. 79.* Ceux Leys en *Eſcaſſe* ſont appels *Bir-Laws* ou *Bur-Laws*, les queux, dit *Skene, de verb. ſignif. verbo* Birlaw, ſont Leys fait & determines per Conſent de voiſins, elects per le common Approbation en les Courts appel *Birlaw-Courts*, ou ils preignont Coniſans de Plaints perenter Voiſin & Voiſin, de queux le homes iſſint eleus ſont Judges & Arbitratours al Effect avant dit, & ſont appel *Birlaw-men*. Car *Bawr* ou *Bawrſman* en le *Dutch* eſt *Ruſticus* ; iſſint *Birlaw* n'eſt auter forſque *Leges ruſticorum*. Per le Stat. 14 *Car. 2. cap. 5.* Les Gardeins & Aſſiſtants pur feſant & regulating *Norwich* Eſtoffes ſont impower a faire By-Laws. Veies auxi 20 *Car. 2. cap. 6.*

By-Laws.

BY-Laws, in Lat. Billagines) ſo called by the Goths, the Swedes, the Danes and the Saxons, from By, which in all thoſe Languages ſignifies a Town ; and from Lagh or Laghen, which ſignifies Laws. That is to ſay, Laws made obiter, or by the By ; ſuch as are made by a Common Conſent, in Courts-Leet or Courts-Baron, for the particular Good of thoſe that make them, farther than the Common or Statute Law doth bind. The like are generally allowed by Letters Patents of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themſelves and with others. Co. Lib. 6. fol. 63. a. Kitchen, fol. 45, 79. Theſe Laws in Scotland are called Birlaws or Burlaws, which, ſaith Skene, de verb. ſignif. verbo *Burlaw*, are Laws made and determined by Conſent of Neighbours, choſen by common Approbation in the Courts called Birlaw-Courts, where they take Cogniſance of Complaints between Neighbour and Neighbour, of which the Men ſo choſen, are Judges and Arbitrators to the Effect aforeſaid, and are called Birlaw-men ; for Bawr or Bawrſman in Dutch is Ruſticus, and ſo Burlaw is no other but Leges Ruſticorum. By the Statute of 14 Car. 2. cap. 5. the Wardens and Aſſiſtants for making and regulating Norwich-Stuffs, are impowered to make By-Laws. See alſo 20 Car. 2. cap. 6.

C. Cab-

C.

Cabliſh.

CAbliſh among the Writers of the Foreſt Laws, ſignifies Bruſhwood. Manw. pag. 84. Cromp. Jur. fol. 165. But Spelman thinks it more properly ſignifies Wind-faln Wood, becauſe of old it was written Cadibulum, from cadere.

Cantel.

CAntel ſeems to ſignifie the ſame with what we now call Lump, as to buy by Meaſure or by the Lump. See Pulton in the Time of H. 3. E. 1. or E. 2. cap. 4 & 9.

It ſignifies alſo a Piece of any Thing, as a Cantel of Bread, Cheeſe, and the like.

Cantred

CAntred is as much in Wales as an Hundred in England; for Cantre in the Britiſh Tongue ſignifies Centum. The Word is uſed An. 28 H. 8. c. 3.

Capacity.

CApacity is when a Man, or Body politick or corporate able to give or take Lands or other Things, or ſue Actions: as an Alien born hath ſufficient Capacity to ſue in any perſonal Action; but in a real Action it is a good Plea to ſay, he is an

C.

Cabliſh.

C*Abliſh* entre les Eſcrivers de les Foreſt Leys, ſignifie *Bruſhwood. Man. p.* 84. *Cromp. Jur. fol.* 165. Mes *Spelman* penſe que il pluis properment ſignifie Wind-faln Wood, pur ceo que ancientment fuit eſcrit *Cadibulum*, de *cadere.*

Cantel.

C*Antel* ſemble de ſignifier le meſme ove ceo que ore nous noſmns *le Lump*, come a emer per le meaſure ou per le Lump. Veies *Pulton* en temps *H.* 3. *E.* 1. ou *E.* 2. *c.* 4 *&* 9.

Il ſignifie auxy un Piece de aſcun choſe, come un Cantel de Pain, Fromage, & ſimilia.

Cantred.

C*Antred* eſt cy tant en *Gaul* come un *Hundred* en *Angleterre*; car *Cantre* en le Britiſh langue ſignifie *Centum.* Le parol eſt uſe An. 28 *H.* 8. *c.* 3.

Capacity.

C*Apacity* eſt, quand home, ou Corps politique ou corporate, eſt capable a doner ou prender terres ou auter choſes, ou a ſuer Actions: Si come un Alien ne ad ſufficient Capacitie a ſuer en aſcun perſonal Action; mes en real Action eſt bone Plea a dire, il eſt

eſt Alien nee, & prier ſil ſerra reſp'. *Dy. f.* 3. *pl.* 8.

Si home enfeoffe un Alien & un auter home al uſe de luy, ou, &c. ſemble que le Roy avera le moiety del terre a touts jours, per reaſon del Incapacity del Alien. *Dyer f.* 283. *pla.* 31.

Per le Common Ley nul home ad Capacity de prender Diſmes forſque Spiritual Perſons, & le Roy, *qui eſt perſona mixta*: Mes Lay-home, que neſt capable de Diſmes prender, fuit uncore capable de diſcharge de Diſmes al Common Ley en ſon terre demeſne, cybien come Spiritual home. Veies *Coke l.* 2. *fol.* 44.

Alien born, and pray if he ſhall be anſwered. Dy. fol. 3. pla. 8.

If a Man enfeoff an Alien and another Man to the Uſe of himſelf, or, &c. it ſeems that the King ſhall have the Moiety of the Land for ever, by Reaſon of the Incapacity of the Alien. Dyer f. 283. pla. 31.

By the Common Law no Man hath Capacity to take Tithes but Spiritual Perſons, and the King, who is a Perſon mixt: But a Lay-man, who is not capable of taking Tithes, was yet capable of diſcharge of Tithes at the Common Law in his own Land, as well as a Spiritual Man. See Coke l. 2. f. 44.

Cape.

Cape eſt un Brief judicial touchant Plea de terres ou Tenements, iſſint appel (ſicome les pluſors de Briefs ſont) de ceſt parol que en luy meſme port le pluis eſpecial intention ou fine de ceo. Et ceſt Brief eſt divide en *Grand Cape* & *Petit Cape*; queux ambideux prendont des choſes immovables, & ſemble a diſagree en ceux Points, Primerment, per ceo que *Grand Cape* giſt devant Appearance, & *Petit Cape* puis. Secondment, per le *Grand Cape* le Tenant eſt ſummon a reſpond' al default, & ouſter al Demandant; *Petit Cape* ſummon le Tenant a reſpond' al default ſolement, & pur ceo eſt appel *Petit Cape* en le *Veil. Nat. Brev.* 161, 162. Uncore *Ingham* dit, que il n'eſt appel *Petit Cape* pur ceo que il eſt de petit force, mes pur ceo que il eſt petit Brief en parols.

Cape.

A Cape is a Writ judicial touching Plea of Lands or Tenements, ſo called (as the moſt Part of Writs are) of that Word which in it ſelf carries the eſpecialleſt Intention or End thereof. And this Writ is divided into Grand Cape and Petit Cape; both which take hold of Things immoveable, and ſeem to differ in theſe Points. Firſt, becauſe Grand Cape lies before Appearance, and Petit Cape after. Secondly, by the Grand Cape the Tenant is ſummoned to anſwer to the Default, and over to the Demandant; Petit Cape ſummons the Tenant to anſwer to the Default only, and therefore it is called Petit Cape in the Old Nat. Brev. 161, 162. Yet Ingham ſaith, That it is not called Petit Cape becauſe it is of ſmall Force, but becauſe it is a little Writ of Words.

This Writ seems to contain in it a Process, with the Civilians called Missio in possessionem ex primo & secundo Decreto: For as the first Decree seises the Thing, and the second gives it from him that made the second Default in his Appearance; so this Capias seizes the Land, and also assigns over to the Party a Day of Appearance, at which if he comes not in, the Land is forfeited. Yet there is difference between those two Courses of the Common and Civil Law; for this Missio in possessionem extends to touch as well Goods moveable as immoveable, where a Cape extends only to the immoveable.

Secondly, in this, That the Party being satisfied of his Demand, the Residue is restored to him that is defaulted: But by the Cape all is seized without Restitution.

Thirdly, That is to the Use of the Party agent, the Cape is to the Use of the King. See Bract. l. 5. tract. 3. c. 1. num. 4, 5 & 6. Regist. Judic. fol. 2. a.

Cape ad Valentiam.

CApe ad Valentiam is a Writ of Execution, and is thus defined in the Old Nat. Brev. f. 161, 162. This Writ lies where the Tenant is impleaded of certain Lands, and he vouches to Warranty another, against whom the Summons ad warrantizandum hath been awarded, and the Vouchee comes not in at the Day given: Then if the Demandant recover against the Tenant, he shall have this Writ against the Vouchee, and shall recover so much in Value of the Vouchee's Land, if he have so much; and if he hath not so much, then the Tenant

C'est Brief semble a contein en ceo un Process ove les Civilians appel *Missio in possessionem ex primo & secundo Decreto*: Car sicome le primer Decree seisist le chose, & le second donast ceo de luy que fist le second default en son Appearance; issint cest *Cape* seisist le terre, & auxy assign ouster al party un jour de Apparance, a quel sil ne vient eins, la terre est forfeit. Uncore la est difference perent' ceux deux Courses del Common & Civil Ley; car cest *Missio in possessionem* extend a toucher cybien biens movables come immovables, lou un *Cape* extend solement al immovables.

Secondment, en ceo, Que le party esteant satisfie de son demand, le residue est restore a luy que defaulta: Mes per le *Cape* tout est seisie sans restitution.

Tiercement, Cestuy est al use del party agent, le *Cape* est al use le Roy. Veies *Bract. l. 5. tract. 3. c. 1. num. 4, 5 & 6. Regist. Judic. f. 2. a.*

Cape ad Valentiam.

C*Ape ad Valentiam* est un Brief de Execution, & est issint define en le *Veil Nat. Brev. f. 161, 162.* Cest Brief gist ou le Tenant est impledo de certain terres, & il vouche a Garrantie un auter, vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done: Donques si le Demandant recover vers le Tenant, il avera cest Brief envers le Vouchee, & recovera tant en value de terre del Vouchee, sil tant ad; & sil nad tant, donque le Te-

nant avera Execution per ceſt Brief de tiels Terres & Tenements que deſcend a luy en Fee ſimple; ou ſil purchaſe apres, le Tenant avera vers luy un Reſummons, & ſil riens poit dire, il recovera le value.

Et ſaches, Que ceſt Brief giſt devant Apparance. De ceux & leur divers uſes, veies le Table del *Reg. Jud.* le parol *Cape.*

shall have Execution by this Writ of ſuch Lands and Tenements as deſcend to him in Fee-ſimple; or if he purchaſe afterwards, the Tenant ſhall have againſt him a Reſummons, and if he can ſay nothing, he ſhall recover the Value.

And know, That this Writ lies before Appearance. Of theſe and their divers Uſes, ſee the Table of the Reg. Jud. the Word Cape.

Capias.

Capias.

Capias eſt del deux ſorts. L'un devant Judgment, appel *Capias ad reſpondendum*, en un Action perſonal, ſi le Viſcount ſur le primer Brief return, *Nihil habet in Balliva noſtra.* En lauter eſt un Brief de Execution apres Judgment, que auxy eſt de divers Natures, *viz. Capias ad ſatisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis & catallis, &c.* Veies Tit. *Proceſs.*

Capias is of two Sorts. The one before Judgment called Capias ad reſpondendum, in an Action perſonal, if the Sheriff return upon the firſt Writ, Nihil habet in Balliva noſtra. And the other is a Writ of Execution after Judgment, which alſo is of divers Natures, viz. Capias ad ſatisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis & catallis, &c. See Tit. Proceſs.

Capias in Withernam de Averiis.

Capias in Withernam de Averiis.

Capias in Withernam de Averiis eſt un Brief giſant pur avers en *Withernam.* Veies *Reg. Orig. f.* 82, 83.

Capias in Withernam de Averiis is a Writ lying for Cattle in Withernam. See Reg. Orig. f. 82, 13.

Capias in Withernam de Homine.

Capias in Withernam de Homine.

Capias in Withernam de Homine eſt un Brief que giſt pur un Servant en *Withernam.* Veies *Reg. Orig. f.* 79.

Capias in Withernam de homine is a Writ which lies for a Servant in Withernam. See Reg. Orig. f. 79.

Capias

Capite.

CApite is a Tenure that holds immediately of the King, as of his Crown, be it by Knights-Service or Soccage, and not of any Honour, Caſtle, or Manor; and for this it is alſo called a Tenure which holds meerly of the King. For as the Crown is a Corporation, a Seigniory is Groſs; ſo the King who poſſeſſes the Crown is in the Eye of the Law perpetually King, never in his Minority, and dies no more than Populus doth, whoſe Authority he bears. See Fitz. Nat. Brev. fol. 5. Yet note, That a Man may hold of the King, and yet not in Capite, that is, not immediately of the Crown in Groſs, but by Means of ſome Honour, Caſtle, or Manor belonging to the Crown, whereof he holds his Land. Of this Kirchin ſaith well, That a Man may hold of the King by Knight's-Service, and yet not in Capite, becauſe it may be he holds of ſome Honour by Knight's-Service, that is in the King's Hands, by deſcent from his Anceſtors, and not immediately of the King, as of his Crown, fol. 123. With which agrees Fitz. Nat. Brev. fol. 5. k. whoſe Words are to this Effect: It plainly appears, that Lands which are held of the King, as of an Honour, Caſtle or Manor, are not held in Capite of the King, becauſe a Writ of Right in this Caſe ſhall be directed to the Bailiff of the Honour, Caſtle, or Manor, &c. But when the Lands are held of the King, as of his Crown, then they are not held of an Honour, Caſtle, or Manor, but meerly of the

Capite.

C*Apite* eſt un Tenure que tient immediatement del Roy, come de ſon Corone, ſoit ceo per ſervice de Chivaler, ou Socage, & nient daſcun Honour, Caſtle ou Manor; & pur ceo il eſt auxi appel un Tenure que tient meerement del Roy. Car come le Corone eſt un Corporation, un Seigniory en groſs; iſſint le Roy que poſſeſs le Corone eſt en le oyel del Ley perpetualment Roy, & ne unques eſt en ſon Minority, ou moruſt, nient pluis que *Populus* fait, le authority de queux il port. Veies *Fitz. Nat. Brev. f.* 5. Uncore nota, Que un home poit tener del Roy, & uncore nient en *Capite*, ceſt a dire, nient immediatement del Corone en groſs, mes per means daſcun Honor, Caſtle, ou Manor, appurteinant al Corone, de que il tient ſa Terre. De ceo *Kitchen* bien dit, Que home poit tener del Roy per ſervice de Chival', & uncore nient en *Capite*, pur ceo que poit eſtre que il tient daſcun Honor per ſervice de Chival', que eſt en le mains del Roy, per diſcent de ſon Anceſtors, & nient immediatement del Roy come de ſon Corone, *fol.* 129. Ove que agree *Fitz. Nat. Brev. f.* 5. k. queux parols ſont a ceſt effect; il plainment appiert, que Terres queux ſont tenus del Roy come de un Honor, Caſtle, ou Manor, ne ſont tenus en *Capite* del Roy, pur ceo que un Brief de droit en cel caſe ſerra direct al Bailiff del Honor, Caſtle ou Manor, &c. Mes quand les Terres ſont tenus del Roy come de ſon Corone, donque ils ne ſont tenus de un Honor, Caſtle, ou Manor, mes mere-

ment del Roy come Roy, & de ſon Corone, come de un Seigniorie de luy meſme en groſs, & le chief de touts auters Seigniories.

Et ceſt Tenure en *Capite* eſt auterment appel Tenure tiendrant del Perſon del Roy. *Dyer f.* 44. *Brook tit. Tenures, num.* 65, 99. Et uncore *Kitch. f.* 208. dit, Que home poit tener del Perſon del Roy, & uncore nient en *Capite*. Son Caſe eſt tiel, Si le Roy purchaſe Manor que *J. S.* tient, le Tenant tiendra come il teignoit devant, & il ne rendra Liverie, ne primer Seiſin, ne tiendra en *Capite*. Et ſi le Roy grant ſon Manor a *W. N.* en fee, exceptant les ſervices de *J. S.* donques *J. S.* tient del Roy come del Perſon del Roy, & uncore ne tient en *Capite*, mes come il tenoit devant: Per que il ſemble, que tenure tiendrant del Perſon del Roy. & Tenure en *Capite* ſont deux divers Tenures A toller quel difference poit eſtre dit, que ceo lieu de *Kitch.* eſt deſtre priſe come ſil ad dit, Nemy en *Capite* per ſervice de Chivaler, mes per Socage, purſuant le uſual parlance, pur ceo que pluis communement, ou nous parlons de Tenure en *Capite*, nous intendomus Tenure per ſervice de Chivaler. Veies le Stat. 12 *Car.* 2. *c.* 24. per quel touts Tenures ſont ore vert en frank & comune Socage.

Caption.

C*Aption.* Quand un Commiſſion eſt execute, & les Noſmes de Commiſſioners ſoubſcribe, & returne, ceo eſt appel un *Caption.*

King as King, and of his Crown, as of a Seigniory of it ſelf in groſs, and the chief of all other Seigniories.

And this Tenure in Capite is otherwiſe called Tenure holding of the Perſon of the King, Dyer f. 44. Brook titulo Tenures, num. 65, 99. And yet Kitch. f. 208 ſaith, That a Man may hold of the Perſon of the King, and yet not in Capite. His Caſe is this, If the King purchaſe a Manor that J. S. holds, the Tenant ſhall hold as he did before, and he ſhall not render Livery, nor primer Seiſin, nor hold in Capite. And if the King grants his Manor to W. N. in Fee, excepting the Services of J. S. then J. S. holds as of the Perſon of the King, and yet holds not in Capite, but as he held before: By which it ſeems, that Tenure holding of the Perſon of the King, and Tenure in Capite, are two divers Tenures. To take away which Difference, it may be ſaid, That this Place of Kitch. is to be taken as if he had ſaid, Not in Capite by Knight's Service, but by Socage, following the uſual Speech, becauſe moſt commonly, where we ſpeak of Tenure in Capite, we intend Tenure by Knight's Service. See the Stat. 12 Car. 2. c. 24. by which all Tenures are now turned into free and common Socage.

Caption.

CAption. When a Commiſſion is executed, and the Commiſſioner's Names ſubſcribed, and returned, that is called a Caption.

Carl

Cark.

CArk ſeems to be a Quantity of Wool, whereof 30 make a Sarplar. 27 H. 6. cap. 2. See Sarplar.

Carno.

CArno is an Immunity, as appears in Cromp. Juriſd. f. 191. where it is ſaid, That the Prior of Malton made claim for him and his Men to be quit of all Amerciaments within the Foreſt, and alſo to be quit of Eſcapes, and of all Manner of Gelds, and of Foot-gelds, Buck-ſtall, Trites, Carno, and Summage, &c.

Carrack or Carrick.

CArrack, *alias* Carrick, is a Ship of Burthen, and is ſo call'd of the Italian Word Carico or Carco, which ſignifies a Burthen. This Word is mentioned in the Stat. 1 Jac. c. 23.

Carue of Land.

CArue, or Carucate of Land, is a certain Quantity of Land by which the Subjects have been heretofore taxed; whereupon the Tribute ſo levied is called Caruage, Bract. l. 2. c. 16. num. 8. Lit. Sect. 119. ſaith, That Soca is the ſame with Caruca, ſc. a Soke or Plow. Stow, in his Annals, p. 271. hath theſe Words; The ſame Time H. the King took Caruage, that is to ſay, two Marks of Silver for every Knight's Fee, to the Marriage of his Siſter Iſabel to the Emperor. By which it ſeems there was raiſed of every Plow-land ſo much, and ſo conſequently of every Knight's Fee two Marks of Silver. Raſtal, in his Expoſition of Words ſaith, That

Cark.

C*Ark* ſemble deſtre un quantity de Lane, de que troiſieme ſont un Sarplar. 27 *H.* 6. *c.* 2. Vid. *Sarplar.*

Carno.

C*Arno* eſt un Immunitie, come appiert en *Cromp. Jur. f.* 191. ou eſt dit, Que le Prior de *Malton* fait claim pur luy & ſes homes, deſtre quit de touts Amerciaments deins le Foreſt, & auzy deſtre frank de Scapes, & de toutes Manners de Gelds, & de *Pee-gelds. Buck-ſtall, Trites, Carno*, & *Summage*, &c.

Carrack ou Carrick.

C*Arrack*, alias *Carrick*, eſt un Niefe de faix, & eſt iſſint appel del parol Italinois *Carico* vel *Carco*, id eſt, *Onus*. Ceſt parol eſt mention en le Statute, 1 *Jac. c.* 23.

Carue de Terre.

C*Arue*, ou *Carucat de terre*, eſt un certain quantitie de terre per que les Subjects ont eſte cydevant taxe; ſur que le Tribute iſſint levie eſt appel *Caruage, Bract. l.* 2. *c.* 16. *num.* 8. *Littleton Sect.* 119. dit, que *Soca* eſt meſne ove *Caruca, ſc.* un Soke ou Carue. *Stow* en ſon *Annals, p.* 271. ad ceux parols; Meſme le temps *H.* le Roy priſt Caruage, ceſt adire, deux Marks dargent de cheſcun Fee dun Chivaler al marriage de ſon ſoer *Iſabel* al Emperor, Per que il ſemble que la fuit raiſe de cheſcun Carue de terre tant, & iſſint per conſequent de cheſcun Fee de Chivaler deux Marks de argent. *Raſt.* en ſon Expoſition

de parols dit, que Caruage eſt deſtre quit, ſi le Roy taxera tout le Terre per Carue, ceſt adire, un Privilege per que un home eſt exempt de Caruage.

Skene dit, que ceo conteine cy grand portion de terre que poit eſtre eyred ou tilled en un an & jour ove un Carue; que auxy eſt appel *Hida* ou *Hida terræ*.

Caſtellaine.

C*Aſtellaine* eſt un Keeper ou Captain, aſcun foits appel un Conſtable de un Caſtle. *Bract. l.* 5. *tra.* 2. *c.* 16. En meſme le manner eſt uſe *Anno* 3. *E.* 1. *c.* 7. En les Livers *de Feudis* vous troveres *Guaſtaldus* deſtre de tiel ſignification, mes pluis large, pur ceo que il eſt auxy extend a ceux que ont le cuſtodie de les Manſion-meaſons del Roy, appel Courts, nient obſtant que ils ne ſont lieus de defence ou force. *Manwood, part* 1. del Leys del Foreſt, *p.* 113. dit, que la eſt un Officer del Foreſt appel *Caſtellanus*.

Caſtleguard.

C*Aſtleguard* eſt un impoſition impoſe ſur tiels Subjects del Roy queux inhabitant deins un certain compas daſcun Caſtle, al maintenance de tiels queux vigilont & gardont l'Caſtle. *Mag. Chart. c.* 2. & *An.* 32 *H.* 8. *c.* 48. Il eſt aſcun foits uſe pur le Circuit meſme que eſt inhabit per tiels queux ſont ſubject a ceſt Service. Veies *Chivalry*.

Caſu conſimili.

C*Aſu conſimili* eſt un Brief de Entrie, grantus ou le Tenant per courteſie, ou Tenant

Caruage is to be quit, if the King ſhall tax all the Land by Plows, that is, a Privilege by which a Man is freed from Caruage,

Skene ſaith, That it contains as great a Portion of Land as may be eyred or tilled in a Year and a Day with one Plow; which alſo is called a Hide, or Hide of Land.

Caſtellain.

CAſtellain is a Keeper or Captain, ſometimes called a Conſtable of a Caſtle. Bracton, lib. 5. tra. 2. cap. 16. In the ſame Manner it is uſed Anno 3. E. 1. cap. 7. In the Book de Feudis you ſhall find Guaſtaldus to be of like Signification, but more large, becauſe it is alſo extended to thoſe that have the Cuſtody of the King's Manſion-houſes, called Courts, notwithſtanding they are not Places of Defence or Force. Manwood, part 1. of the Laws of the Foreſt, p. 113. ſaith, That there is an Officer of the Forreſt called Caſtellanus.

Caſtleguard.

CAſtleguard is an Impoſition laid upon ſuch of the King's Subjects as dwell within a certain Compaſs of any Caſtle, to the Maintenance of ſuch as watch and ward it. Magna Charta, cap. 2. & An. 32 H. 8. cap. 48. It is ſometimes uſed for the Circuit it ſelf which is inhabited by ſuch as are ſubject to this Service. See Chivalry.

Caſu conſimili.

CAſu conſimili is a Writ of Entry granted where the Tenant by Courteſie, or Tenant

for

for Term of Life, or for the Life of another, aliens in Fee, or in Tail, or for the Life of another. And it hath this Name, because the Clerks of the Chancery have framed it by their common Consent like the Writ called in casu proviso, according to the Authority given them by the Stat. of Westminster 2. c. 24. which wills, That as often as it shall happen in Chancery, that in one Case a Writ is found, and in the like Case a Remedy is wanting, the Clerks of the Chancery should agree to make a Writ, &c. And this Writ is granted to him in Reversion against the Party to whom the said Tenant so aliened to his Prejudice, and in the Life of the Tenant. See more of this, Fitz. Nat. Brev. fol. 206.

Casu proviso.

CAsu proviso is given by the Stat. of Gloucester, c. 7. This Writ lies where Tenant in Dower aliens in Fee, or for Life, or in Tail, the Land which she holds in Dower; there he that hath the Reversion in Fee, or in Tail, or for Term of Life, shall presently have this Writ against the Alienee, or him that is Tenant of the Freehold of the Land, and that during the Life of the Tenant in Dower. Fitz. Nat. Brev. fol. 205. n.

Catals.

CAtals, or Chattels, comprehend all Goods moveable and immoveable, except such as are in Nature of Freehold, and parcel of it, as may be collected out of Staundf. Prærog. cap. 16. and anno 1 Eliz. cap. 2. But Kitch. fol. 12. saith, That Money is

pur term de vie, ou pur auter vie, alien en fee, ou en tail, ou pur term dauter vie. Et il ad cest nosme, pur ceo que les Clerks del Chancery ont ceo frame per lour common consent, ensemble al Brief appel *In casu proviso*, accordant al auctority done al eux per le Statute de *Westminster* 2. *cap.* 24. que voit, *Quotiescunque evenerit in Cancellaria, quod in uno casu reperitur Breve, & in consimili casu indigente remedio, concordent Clerici de Cancellaria de Brevi faciendo, &c.* Et cest Brief est grant al cestuy en reversion vers le Party a que le dit Tenant issint alien a son prejudice, & en le vie del dit Tenant. Veies pluis de ceo, *Fitz. Nat. Brev. fol* 206.

Casu proviso.

C*Asu proviso* est done per le Stat. de *Glouceſter c.* 7. Cest Brief gist lou Tenant en Dower alien en Fee, ou a term de vie, ou en tail, la terre que el tient en Dower; ore cestuy que ad le Reversion en Fee, ou en Tail, ou a terme de vie maintenant avera cest Breve vers le Alienee, ou cestuy que est Tenant del frank-tenement del terre, & ceo durant la vie le Tenant en Dower. *Fitz. Nat. Brev. f.* 205. *n.*

Catals.

C*Atals*, ou *Chattels*, comprehend tous biens movable & immovable, forsque tiels que sont en nature de Frank-tenement, ou parcel de ceo, come poet estre collect hors *Staundf. Prærog. cap.* 16. & *an.* 1 *Eliz. c.* 2. Uncore *Kitchin, fol.* 32. dit, Que

Money neſt deſtre account biens ou Catals, ne Eſpervers, ne Chiens, car ils ſont *feræ naturæ*. Mes il ſemble que Money neſt Catal, pur ceo que neſt de luy meſme choſe valuable, mes pluis en imagination que en Fait.

Catals ſont ou real ou perſonal. *Catals real* ſont ou tiels que ne apperteinont immediatement al Perſon, mes al aſcun auter choſe per voy de dependance; come un Boxe ove Chartes de Terre, le Corps dun Gard, les Pomes ſur le Arbre, ou l'Arbre meſme creſſant ſur le Terre. *Cromp. f.* 33, *b.* Ou auterment tiels que ſont iſſuant hors daſcun choſe immoveable al Perſon, come un Leaſe pur Rent ou terme de Ans.

Perſonal poient eſtre iſſint appel en deux reſpects. Le un pur ceo que ils appent immediatement al perſon de un home; come un Chival, &c. Lauter, pur ceo que quand ils ſont tortiouſment deteigne, nous ne avomus pas aſcun auter means pur lour recoverie forſque per perſonal Actions.

Les Civilians comprehendont ceux choſes, & auxy Terres de touts Natures ou Tenures, deſouth le parol *Bona*, que eſt per eux divide in *Mobilia* & *Immobilia*. Vid. *Bracton lib.* 3. *c.* 3. *num.* 3. & 4.

not to be accounted Goods or Catals, nor Hawks, nor Hounds, for they are feræ naturæ. But it ſeems that Money is not a Chattel, becauſe it is not in it ſelf valuable, but rather in Imagination than in Deed.

Catals are either real or perſonal. Catals real are either ſuch as do not immediately appertain to the Perſon, but to ſome other thing by way of Dependance; as a Box with Writings of Land, the Body of a Ward, the Apples upon the Tree, or the Tree it ſelf growing upon the Ground. Cromp. fol. 33. b. Or elſe ſuch as are iſſuing out of ſome thing immoveable to the Perſon, as a Leaſe for Rent or Term of Years.

Perſonal may be ſo called in two Reſpects. The one, becauſe they belong immediately to the Perſon of a Man; as a Horſe, &c. The other, becauſe when they are wrongfully detained, we have no other Means for their Recovery but perſonal Actions.

The Civilians comprehend theſe things, and alſo Lands of all Natures and Tenures, under the Words Goods, which are by them divided into Moveable and Immoveable. See Bracton, lib. 3. cap. 3. num. 3. & 4.

Cepi corpus.

CEpi *corpus* eſt un Return fait per le Viſcount, que, ſur un *Exigend* ou auter Brief, il a pris le Corps

Cepi corpus.

CEpi corpus is a Return made by the Sheriff, that upon an Exigend or other Writ he has taken the Body of

he Party. Fitz. Nat. Brev. ol. 26.

Certificate.

CErtificate is a Writing made in ſome Court, to give Notice to another Court of ſomething done there; as a Certificate of the Cauſe of Attaint is a Tranſcript briefly made by the Clerks of the Crown, Clerk of the Peace, or Clerk of Aſſiſe, to the Court of King's Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or declared in any other Court.

But note, That this Certificate ought to be made by him that is the immediate Officer to the Court; and therefore if the Commiſſary or Official of the Biſhop certifie an Excommunication in Bar of an Action at the Common Law, this is not good, (as was reſolved in Coke lib. 8. fol. 68.) but ſuch Excommunication ought to be certified by the Biſhop himſelf. Yet the Certificate of an Excommunication by ſpecial Commiſſioners Delegates under their Common Seal was allowed, and held good enough in the Common Pleas. Dyer, fol. 371. pla. 4.

Certification of Aſſiſe.

CErtification of Aſſiſe of Novel Diſſeiſin, &c. is a Writ awarded to re-examine or review a Matter paſſed by Aſſiſe before any Juſtices; and is uſed when a Man appears by his Bailiff to an Aſſiſe brought by

del Partie. *Fitz. Nat. Brev. fol.* 26.

Certificate.

C*Ertificate* eſt un Eſcript fait en aſcun Court, a doner notice al auter Court daſcun choſe fait la; come un Certificate del Cauſe de Attaint eſt un tranſcript briefment fait per les Clerks del Corone, Clerk del Peace, ou Clerk de Aſſiſe, al Court del Bank le Roy, conteinant le Tenor & Effect de cheſcun Indictment, Utlagarie, ou Conviction, & Clerk attaint, fait ou declare en aſcun auter Court.

Mes nota, que ceſt Certificate doit eſtre fait per ceſtuy que eſt l'immediate Officer al Court; & pur ceo ſi le Commiſſarie ou Official del Eveſque certifie un Excommengement en barre de un Action al Common Ley, ceo neſt bone, (come fuit reſolve en *Coke, lib.* 8. *fol.* 68.) mes tiel Excommengement doit eſtre certifie per le Eveſque meſme. Uncore le Certificate dun Excommengement per ſpecial Commiſſioners Delegates deſouth lour common Seal fuit allow, & tenus aſſets bone en le Common Bank. *Dyer, fol.* 371. *pla.* 4.

Certification de Aſſiſe.

C*Ertification de un Aſſiſe de Novel Diſſeiſin, &c.* eſt un Brief agard a re-examine ou reviſer un choſe paſſe per Aſſiſe devant aſc' Juſtices; & eſt uſe quand home appiert per ſon Bailife al un Aſſiſe port per un

aus',

aut', & perde le jour, & ayant aſcun aut' choſe ouſter a plede pur luy meſme, come un Fait de releaſe, ou, &c. que le Bailiff ne plederoit, ou ne puit pleader pur luy, apris un mieux Examination del Cauſe, ou devant meſme les Juſtices ou auxers, & acquire Letters Patents, (vide lour forme *F. N. B.* 181.) & donque port un Brief al Vicount de appeller le Party pur que le Aſſiſe ad paſs, & auxi le Jury que fuit impanel ſur meſme le Aſſiſe, devant les dits Juſtices, a un jour & lieu certain.

Et eſt appel un *Certificate*, pur ceo que en ceo mention eſt fait al Vicount, que ſur le Parties complaint del defective Examination, ou awruſt uncore remainant ſur le Aſſiſe paſſe, le Roy ad direct ſes Letters Patents a les Juſtices, pur le mieux certification de lour meſmes, ou touts les points del dit Aſſiſe fueront examine ou nemy. Veies Tit. *Trial*.

Certiorari.

C*Ertiorari* eſt un Brief que giſt lou un eſt implead en un baſe Court, que eſt de Record, & il ſuppoſe que il ne poit aver equal Juſtice la; donques ſur un Bill en le Chancery, compriſant aſcun matter en Conſcience, il avera ceſt Brief pur remover tout le Record en le Chancery, & la d'eſtre determine per Conſcience; mes ſil ne prova ſon Bill, donques l'auter Party avera un Brief de *Procedendo*, a remande le Record en le baſe Court, & la d'eſtre determine. Auxy il giſt en pluſors

another, and loſes the Day, and having ſome other Matter to plead farther for himſelf, as a Deed of Releaſe, or, &c. which the Bailiff did not plead, or might not plead for him, deſires a better Examination of the Cauſe, either before the ſame or other Juſtices, and obtains Letters Patents, (ſee their Form F. N. B. 181.) and then brings a Writ to the Sheriff to call the Party for whom the Aſſiſe had paſſed, and alſo the Jury which was impanelled upon the ſame Aſſiſe, before the ſaid Juſtices at a Day and Place certain.

And it is called a Certificate, becauſe therein mention is made to the Sheriff, that upon the Parties complaint of the defective Examination, or Doubts remaining yet upon the Aſſiſe paſſed, the King hath directed his Letters Patents to the Juſtices for the better certifying of themſelves, whether all the Points of the ſaid Aſſiſe were duly examined or not. See Tit. Trial.

Certiorari.

CErtiorari is a Writ that lies where a Man is impleaded in a baſe Court, that is of Record, and he ſuppoſes that he may not have equal Juſtice there; then upon a Bill in the Chancery, comprizing ſome matter of Conſcience, he ſhall have this Writ to remove all the Record into the Chancery, there to be determined by Conſcience; but if he prove not his Bill, then the other Party ſhall have a Writ of Procedendo, to ſend again the Record into the baſe Court, and there to be determined. And it lies in many

ther Cases, to remove Records
e the King, as Indictments
nd others.

This Writ is also granted
t of the Court of King's
ench or Common Pleas, to
move any Action thither out of
nferior Courts of Record; and
the Plaintiff must declare
d proceed in the Superior
ourt.

Also to certify Original Writs
Proceedings out of any Courts
Record into the King's Bench,
here Nullum tale Recordum is
eaded.

Also upon Writs of Error of
Judgment in the Common
leas, each Party may have
is Writ to bring any of the
roceedings into the King's
ench upon alledging Dimi-
tion, as appears, Coke Ent.
2, 233, 242. 2 Cro. 131, &
9.

Cessavit.

Cessavit is a Writ that lies
where my very Tenant
olds of me certain Lands or
nements, yielding certain
nt by the Year, and the Rent
behind for two Years, and no
ficient Distress may be found
n the Land; then I shall
over the Land: But if the
nant come into the Court
ore Judgment given, and
ver the Arrearages and Da-
ges, and find Surety that
shall cease no more in Pay-
nt of the said Rent, I shall
compelled to take the Arrear-
s and the Damages, and
n the Tenant shall not lose
Land. The Heir may not
intain this Writ for Cessure
e in the Time of his Ance-
: And it lies not but for
ual Service, as Rent, and

auters cases, pur remover Re-
cords pur le Roy, come Indict-
ments & auters.

Cest Brief est auxy grant
hors del Court del Bank le
Roy ou Common Pleas, a
remover ascun Action al eux
hors de inferior Courts de
Record; & issint le Plaintiff
doit declare & proceed en le
superior Court.

Auxy a certifyer Original
Briefs ou proceeds hors dascun
Courts de Record en Bank le
Roy, ou *Nullum tale Recordum*
est plede.

Auxy sur Briefs de Error
d'un Jugement en le Common
Pleas, chescun party poit aver
cest Brief, a remover ascun
Proceedings en Bank le Roy
sur alleger diminution, come
appiert, *Coke Ent.* 232, 233,
242. 2 *Cro.* 131, & 479.

Cessavit.

Cessavit est un Brief que
gist lou mon verie Te-
nant tient de moy certain
Terres ou Tenements, ren-
dant certain Rent per An,
& le Rent est arrere per deux
Ans, & nul sufficient Distress
poiet estre trove sur le Terre;
donques jeo avera cest Brief,
per que jeo recovera le Terre:
Mes si le Tenant vient en
Court devant Jugement, &
tendra les Arrerages & les
Damages, & trove Surety que
il ne cessera pluis en payment
de dit Rent, jeo serra com-
pel de prender les Arrerages
& les Damages, & donques
le Tenant ne perdera la Ter-
re. Le Heir ne poit main-
taine cel Brief pur Cesser fait
en temps son Ancestor:
Auxy ne gist mes pur annual
Ser-

Service, come Rent, & hujuſmodi, & nient pur Homage & Fealty.

Vies *Fitz. Nat. Brev. fol.* 283. *Ceſſavit de feodi firma. Reg. Orig.* 237. *Ceſſavit per biennium, ib.* Veies *le Novel Livre de Entries, verb. Ceſſavit.*

Auxy il y ad auter Brief appel *Ceſſavit de Cantaria*, & giſt ou un done Terres a Meaſon de Religion, a trover per l'Ame de luy, de ſes Anceſtors, & de ſes Heires, annualment uu Chandel ou Lampe en Eſgliſe, ou pur faire Divine Service, de paſter les povers, ou auters Almes, ou auter tiel choſe faire; donque ſi les dits Services ne ſont pas fait per 2 Ans, le Donor ou ſes Heires aver' ceſt Brief vers quecunque eſt eins apres tiel Ceſſer. Vide le Statute *W.* 2. *cap.* 41.

ſuch other, and not for Homage and Fealty.

See Fitz. Nat. Brev. fol. 283. Ceſſavit de feodi firma. Reg. Orig. 237. Ceſſavit per biennium, ib. See The new Book of Entries, verb. Ceſſavit.

Alſo there is another Writ called Ceſſavit de Cantaria, which lies where a Man gives Land to a Houſe of Religion, to find for the Soul of him, his Anceſtors, and his Heirs, yearly a Candle or Lamp in the Church, or to ſay Divine Service, feed the Poor, or other Alms, or to do ſome other Thing; then if the ſaid Services be not done in two Years, the Donor or his Heirs ſhall have this Writ againſt whomſoever holds the Things given after ſuch Ceſſure. See the Statute W. 2. cap. 41.

Ceſſion.

CEſſion eſt, quand un Eccleſiaſtical Perſon eſt cree Eveſque, ou quand un Parſon de un Parſonage priſt un auter Benefice ſans Diſpenſation, ou auterment nient qualified, &c. En ambideux caſes lour primer Benefices ſont devenus void, & ſont appelle d'eſtre void per *Ceſſion*. Et al ceux que il ad que fuit cree Eveſque le Roy preſentera pro illa vice, quicunque ſoit Patron de eux: Et en lauter caſe le Patron poit preſenter. Veies 41 E. 3. 5. & 11 H. 4. 37.

Ceſſion.

CEſſion is, when an Eccleſiaſtical Perſon is created Biſhop, or when a Parſon of a Parſonage takes another Benefice without Diſpenſation or otherwiſe not qualified, &c. In both Caſes their firſt Benefices are become void, and are ſaid to become void by Ceſſion. And to thoſe that had, who was created Biſhop, the King ſhall preſent in that Time, whoſoever is Patron of them: And in the other Caſe the Patron may preſent. See 41 E. 3. 5. & 11 H. 4. 37.

Ceſ

Ceſtuy a que vie, & ceſtuy a que uſe.

Ceſtuy a que vie, is he for whole Life another holds an Eſtate; and ceſtuy a que uſe is he who is a Feoffee for the uſe of another.

Challenge.

Challenge is an Exception taken either againſt Perſons or Things. Perſons, as in an Aſſiſe, the Jurors, or any one, or more of them; or in Caſe of Felony, by the Priſoner at the Bar againſt Things, as a Declaration. Old Nat. Brev. fol. 76.

Challenge made to the Jurors is either made to the Array, or to the Polls. Challenge to the Array is, where Exception is taken to the whole Number, as impanelled partially: Challenge to, or by the Poll, is where Exception is taken to any one or more, as not indifferent. Challenge to the Jurors is alſo divided into Challenge Principal, and Challenge for Cauſe, that is upon Cauſe or Reaſon. Challenge Principal, or peremptory, is that which the Law allows without Cauſe alledged, or Examination: As a Priſoner at the Bar, arraigned upon Felony, may peremptorily challenge to the Number of twenty one after another, of the Jury impanelled upon him, not alledging any Cauſe at all, but his own Diſlike, and they ſhall be diſcharged, and new put in their Places: And this is in Caſe of Life. But in the Caſe of High Treaſon no peremptory Challenge is alledged. See 25 H.

Ceſtuy a que vie, & ceſtuy a que uſe.

Ceſtuy a que vie eſt il pur quel vie un auter teigne un Eſtate, & *ceſtuy a que uſe* eſt il que eſt un Feoffee pur le uſe de un auter.

Challenge.

Challenge eſt un Exception priſe ou envers Perſons ou Choſes. *Perſons*, come en un Aſſiſe, les Jurors, ou aſcun un, ou pluis de eux; ou en caſe de Felony, per le Priſoner al Barre vers *Choſes*, come un Declaration. *Vet. Nat. Brev. fol* 76.

Challenge fait a les Jurors eſt fait ou al Array, ou a les Polls. *Challenge al Array* eſt, ou Exception eſt priſe al entire nomber, come impanel partialment: *Challenge al ou per le Poll* eſt, ou Exception eſt priſe al aſcun un ou pluis, come nient indifferent. Challenge a les Jurors eſt auxy divide en Challenge principal, & Challenge per Cauſe, ceſt a dire, ſur cauſe ou reaſon. *Challenge principal*, ou peremptory, eſt ceo que le Ley allow ſans cauſe alledge, ou examination: come un Priſoner al Barr, arraine ſur Felony, poit peremptoriment challenge al nombre de vint, un apres auter, del Jury impanel ſur luy, nient alledgant daſcun cauſe, mes ſon diſlike demeſne, & ils ſerront diſcharge, & novels miſe en lour lieus: Et ceo eſt *in favorem vitæ*. Mes en le caſe de hault Treaſon nul peremptory Challenge eſt allow. Vide 25 *H.* 8. *cap.* 3.

Et

Et un difference poit eſtre obſerve perenter challenge principal & challenge peremptory, pur ceo que challenge peremptory ſemble ſolement d'eſtre uſe en choſes criminal, & merement ſans aſcun cauſe alledge, pluis que le ſole phantaſie del Priſoner, *Staundf. Pl. Co. f.* 124. & principal pur le griender part en civil Actions, & ove le noſment de aſcun Exception, que eſteant trove voyer, le Ley maintenant allowe. Come pur example, ſi aſcun party dit que un des Jurors eſt le Fits, Frere, Couſin, ou Tenant al auter party, ou eſpouſe ſon file, ceo eſt un bone & fort Exception, ſil ſoit voyer, ſans pluis examination del credit del party challenge. Et de que large extent ceſt Challenge de Conſanguinity eſt bien appiert, *Plow. fol.* 435. Auxy en le Plea del mort de aſcun home, & en cheſcun Action real, & auxy en cheſcun Action perſonal, ou le Dett ou Damages amount al 40 Marks, il eſt bone Challenge al aſcun del Jurie impanel, qui il ne poit diſpender 40 *s.* per le An de ſon Franktenement demeſne. *An.* 11 *H.* 7. *cap.* 21.

Challenge ſur Reaſon ou cauſe eſt, quand le party alledge aſcun tiel Exception vers un ou pluis del Jurie, que n'eſt immediatement ſufficient ſur conuſance del voierty de ceo, mes arbitrable & conſiderable per le reſidue de Jurors, come ſi le fits le Juror ad eſpouſe le file del adverſe party. Ceſt Challenge pur cauſe ſemble per *Kitch. f.* 92. d'eſtre dit Challenge pur favor; ou po-

8. cap. 3. And a difference may be obſerved between Challenge principal, and Challenge peremptory, becauſe Challenge peremptory ſeems only to be uſed in Matters Criminal, and meerly without any Cauſe alledged, more than only the Priſoner's fancy, Staundf. Pl. Cor. fol. 124. and principal for the moſt part in Civil Actions, and with the naming of ſome Exception which being found true, the Law preſently allows. As for example; if any Party ſaith that one of the Jurors is the Son, Brother, Couſin, or Tenant to the other Party, or married to his Daughter, this is a good and ſtrong Exception, if it be true, without farther examination of the Credit of the Party challenged. And of how large Extent this Challenge Kindred is, does well appear in Plow. fol. 425. And in the Plea of the Death of a Man, and in every Action real, and alſo in every Action perſonal, where the Debt or Damages amounts to forty Marks, it is a good Challenge to any of the Jury impanelled That he cannot diſpend forty Shillings by the Year of his own Freehold. An. 11 H. 7. cap. 21.

Challenge upon Reaſon or Cauſe is, when the Party alledges ſuch Exception againſt one or more of the Jurors, which is not forthwith ſufficient upon the knowledgment of the Truth thereof, but rather arbitrable, or conſiderable by the reſt of the Jurors; as if the Son of the Juror had married the Daughter of the adverſe Party. This Challenge for Cauſe ſeems to be termed by Kitch. f. 92. Challenge pur favor

vour; or rather Challenge
e favour is there ſaid to be a
ecies of Challenge by Cauſe:
there you may alſo read what
hallenges are commonly ac-
unted for Principal, and what
ot.

See The New Book of Entries,
erbo Challenge, and Old. Nat.
ev. fol. 158, 159. Co. Lit. 156,
7.

Chamberdekins.

Hamberdekins are Iriſh Beg-
gars, which by the Statute
1 H. 5. cap. 8. were by a cer-
in Time, within the ſaid Sta-
te limited, to avoid this Land.

Champertie.

Hampertie is a Writ that lies
where two Men are implead-
g, and one gives the Half or
art of a Thing in Plea to a
tranger, to maintain him a-
inſt the other; then the Party
ieved ſhall have this Writ a-
inſt the Stranger. And it
ms that this hath been an
ient Grievance in our Realm:
or notwithſtanding divers Sta-
es, and a Form of a Writ
med unto them, yet Anno 4
3. c. 11. it was enacted, That
ere the former Statutes pro-
ed Redreſs for this only in
King's Bench, which then
owed the Court; it ſhould
awful for the Juſtices of the
mmon Pleas likewiſe, and
ſtices of Aſſiſe in their Cir-
ts, to enquire, hear and de-
mine theſe and ſuch Caſes,
well at the King's Suit,
at the Suit of the Party.
ſo it was ordained by the
atute of 33 H. 8. (which was
firmed by the Statute of
H. 8. c. 7.) That Juſtices of

tius Challenge per favor eſt la
dit d'eſtre un *ſpecies* de Chal-
lenge per cauſe: Ou poies
auxy lier queux Challenges
ſont communement account
pur principal, & queux nemy.

Veies *Le Novel Livre de Entries, verbo Challenge*, & *Vet. Nat. Brev. f.* 158, 159. *Co. Lit.* 156, 157.

Chamberdekins.

Chamberdekins ſont *Iriſh* Beg-
gars, que per le Statute de
1 *H.* 5. *c.* 8. fueront per un
certain temps, deins meſme
le Statute expreſs, de avoid
ceſt Terre.

Champertie.

Champertie eſt un Brief, que
giſt lou deux homes ſont
impleadants, & l'un done la
moietie ou part del choſe en
plee a un eſtranger, pur luy
mainteiner encounter l'auter;
donques le party grieve avera
ceſt Brief devers l'eſtranger.
Et ſemble que ceo ad eſte un
ancient grievance en noſtre
Terre: Car nient obſtant di-
vers Statutes, & un forme de
un Brief frame a ceux, uncore
Anno 4 *E.* 3. *c.* 11. fuit enact,
Que ou les primer Statutes
provide redreſſe pur ceo ſole-
ment en Bank le Roy, que
donques attend le Court, il
ſerroit loyal pur les Juſtices
del common Plees enſement
& Juſtice de Aſſiſes en lour
Circuits, de enquirer, oyer
& determiner ceux & tiels
Caſes, cybien al Suit le
Roy, come al Suit del par-
ty. Auxy fuit ordeigne per
le Statute de 33 *H.* 8 (que
fuit confirm per le Statute de
37 *H.* 8. *c.* 7.) Que Juſtices

del Peace a lour Quarter Seſſions averont authority de enquirer, cybien per les ſereements de 12 homes, come per l'enformation done a eux per aſcun Perſon ou Perſons, des defaults, contemps & Offences commiſe encount' les Leys & Statutes fait & purview touchant Champerty, Maintenance, &c. & a oyer & determiner les dits faults & offences.

Champertors ſont ceux que mova Plees & Suits, ou cauſe d'eſtre move per lour ou auters procurement, & ſue a lour coſtages & charge demeſne, pur aver part del Terre ou Gains en variance. Veies le Stat. *Articuli ſuper chartas, c.* 11.

Chancemedley.

C*Hancemedley* eſt, quand un home ſans aſcun male entent fait un loyal choſe, ou que n'eſt prohibit per Ley, & uncore auter eſt tue ou vient a ſon mort per ceo: ſi come home jet un pierre, que percuſſe home ou feme, que apres de ceo moruſt; ou ſi home ſagitte un fleich, & auter que paſſe eſt occide, & tiels ſemblables; c'eſt manner de occiſion eſt *Homicide* per miſadventure, ou *Chancemedley*, pur que l' Offendor avera ſon pardon de courſe, come appiert, per le Statute de 6 *E.* 1. *c.* 9. & il forfeitera ſes biens en tiel manner come ceſtuy que tuera un home en ſon defence. Mes en ceo caſe eſt d'eſtre conſider, ou ceſtuy que commit ceſt Homicide per Chancemedley fuit en feaſans de un loyal Choſe: Car ſi l' Act

Peace at their Quarter-Seſſions ſhould have Authority to enquire, as well by the Oath of 12 Men, as by the Information given to them by any Perſon or Perſons, of the Defaults, Contempts and Offences committed againſt the Laws and Statutes made and provided touching Champerty, Maintenance, &c. and to hear and determine the ſaid Faults and Offences.

Champertors are they that make Pleas and Suits, or cauſe to be moved by their own or others Procurement, and ſue them at their own Coſts, to have part of the Lands or Gains in Variance. See the Stat. Articuli ſuper chartas, cap. 11.

Chancemedley.

CHancemedley is, when a Man without any evil Intent doth a lawful Thing or that is not prohibited by Law, and yet another is ſlain or comes to his Death thereby: As if a Man caſts a Stone which hits a Man or Woman who after dies thereof; or if a Man ſhoots an Arrow, and another that paſſes by is killed and ſuch like; this Manner of killing is Manſlaughter by Misadventure, or Chancemedley, for which the Offender ſhall have his Pardon of Courſe, as appears by the Statute of 6 E. 1. c. 9. and he ſhall forfeit his Goods in ſuch Manner as he that kills a Man in his own Defence. But in this Caſe is to be conſidered, whether he that commits this Manſlaughter by Chancemedley was doing a lawful Thing: For if the Act was unlawful, as

fight at Batteries, or run at Tilt without the King's commandment, or cast Stones in a Highway where Men usually pass, or shoot Arrows in a Market-Place, or such like, whereby a Man is killed; in all these Cases it is Felony at least, that is Manslaughter, if not Murther; for the Offender being doing an unlawful Act of his own will, the Law shall construe his Meaning and Will herein by the Success of the Act.

As if two are fighting together, and a third Man comes to part them, and is killed by one of the two, without any Malice forethought, or evil Intent in him that killed the Man, yet this is Murther in him, and not Manslaughter by Chancemedly or Misadventure, because they two that fought together were in doing an unlawful Act. And if they were met with prepensed Malice, the one intending to kill the other, then it is Murther in them both.

Chancery.

CHancery is a Court of Law at Westminster for Suits for and against Attorneys, Clerks, and Officers of this Court: this Part of it, and also the Inrolments of Deeds and Patents, is of Record. And there is also a Court for Equity, and their Proceedings therein are entred in English, and the Lord Chancellor, or Keeper of the great Seal, and Master of the Rolls are Judges, and the Writs are returnable there

fuit illoyal, come a pugner al Barriers, ou currer a Tilte sans commandment le Roy, ou jett' pierres en un Hault-voy ou homes usualment passe, ou sagitant fletches en un Market-lieu, ou tiels semblables, per que un home est occide; en touts ceux cases il est Felony al meins, cestascavoir, Homicide, sinon Murder; car l' Offendor esteant feasant de un illoyal act per son volunt demesne, le Ley construa son meaning en ceo per le succes del act.

Come si deux sont pugnants ensemble, & un tierce home vient a severer eux, & est occide per un de eux deux, sans ascun malice prepense, ou male entent en luy que occide le home, uncore ceo est Murder en luy, & nemy Homicide per Chancemedley ou Misadventure, pur ceo que ils deux que combaterent ensemble fueront en feasance de un illoyal act. Et si ils fueront assemble ove malice prepense, l'un intendant de occide lauter, donque il est Murder en eux ambideux.

Chancery.

Chancery est un Court de Ley a *Westminster* put Suits pur & envers Attornies, Clerks, & Officers de ceo Court; & ceo part de ceo, & auxy inrolments de Faits & Patents, est de Record. Et est auxy un Court pur Equity & lour Proceedings en ceo sont enter en Anglois, & le Seignior Chancellor, ou Keeper del grand Seal, & Master des Rolls sont Judges, & les Briefs sont returnable *coram*

Rege in Cancellaria. Coke 4. Inſt. 78, 82.

coram Rege in Cancellaria. Coke 4 Inſt. 78, 82.

Chancellor de Dutchy de Lancaſter.

SON Office eſt principalment en ceſt Court a determiner touts Controverſies enter le Roy & ſes Tenants de Dutchy Terres.

Chancellor of the Dutchy of Lancaſter.

HIS Office is principally in this Court to determine all Controverſies between the King and his Tenants of the Dutchy Lands.

Chapelry.

CHapelry, *Capellania*, eſt le meſme choſe al un Chapel, come un Pariſh eſt al un Eſgliſe. Veies *Stat.* 14 *Car.* 2. *cap.* 9.

Chapelry.

CHapelry, Capellania, is the ſame thing to a Chapel, as a Pariſh is to a Church. See Stat. 14 Car. 2. cap. 9.

Chapiter.

CHapiter eſt un Summarie ou Content de touts tiels choſes que ſont d'eſtre enquire devant Juſtices en Eyre, Juſtices de Aſſiſe, ou del Peace en lour Seſſions: Iſſint eſt uſe 3 *E.* 1. *cap.* 27. en ceux parols, Et que nul Clerk daſcun Juſtice, Eſcheator, ou Commiſſioner en Eyre, prendre aſcun choſe pur delivery de Chapiters, mes ſolement Clerks de Juſtices en lour Circuits; & enſement 13 *E.* 1. *cap.* 10. en ceux parols, Et quand le temps vient, le Vicount certifiera les Chapiters devant les Juſtices en Eyre quel nombre des Briefs il ad. Auxy *Britton* en meſme ſignification uſe ceſt parol, *cap.* 3. Et a ceſt jour Chapiters ſont appelles Articles, pur le greind' part, & ſont deliver cybien per la bouche del Juſtice en ſon Charge, come per les Clerks en eſcript, al Enqueſt, ou en ancient temps ils fueſont (apres un Exhortation

Chapiter.

CHapiter is a Summary or Content of all ſuch Matters as are enquirable before Juſtices in Eyre, Juſtices of Aſſiſe, or of the Peace in their Seſſions: So it is uſed 3 E. 1. cap. 27. in theſe Words, And that no Clerk of any Juſtice, Eſcheator, or Commiſſioner in Eyre, ſhall take any Thing for delivery of Chapiters, but only Clerks of Juſtices in their Circuits; and likewiſe 13 E. 1. cap. 10. in theſe Words, And when the Time comes, the Sheriff ſhall certify the Chapiters before the Juſtices in Eyre how many Writs he hath. Alſo Britton uſes it in the ſame Signification, cap. 3. And at this Day Chapiters are called Articles, for the moſt part, and are delivered as well by the Mouth of the Juſtice in his Charge, as by the Clerks in Writing, to the Inqueſt, where in ancient Time they were (after an Exhortation given by the Ju-

Juſtices, for the good Obſervation of the Laws and of the King's Peace) firſt read diſtinctly and openly in the full Court, and then delivered in writing to the grand Inqueſt. An Example of theſe Chapiters there is in the Book of Aſſiſes, fol. 138. pla. 44.

Chaplain.

CHaplain is he that performs Divine Service in a Chapel, and therefore is commonly uſed for him that depends upon the King or other Man of worth, for the Inſtruction of him and his Family, the reading of Prayers, and preaching in his Private Houſe, where uſually they have a Chapel for that purpoſe.

And for that they are retained by Letters under the Seal of their Patrons, and thereby by Intendment are to be reſident with them, the Law hath given Liberty for their Non-reſidency upon their Benefices.

If an Earl or Baron retains a Chaplain, and before his Advancement is attainted of Treaſon, there the Retainer is determined, and after the Attainder ſuch Chaplain cannot take a ſecond Benefice, becauſe he that is attainted is by his Attainder a dead Perſon in Law. What, and how many Chaplains Noblemen and others may reſpectively retain, the Statute of 21 H. 8. c. 13. doth well declare.

done per les Juſtices pur le bone obſervation del Leys & Peace del Roy) primerment lie diſtinctment & apertment en le plein Court, & donque deliver en eſcript al grand Enqueſt. Un example de ceux Chapters la eſt en le Livre de *Aſſiſes*, *fol.* 138. *pla.* 44.

Chaplain.

C*Haplain* eſt celuy que fait Divine Service en un Chapel, & pur ceo eſt communement uſe pur celuy que depend ſur le Roy ou auter home de qualitie, pur l' enſtruction de luy & ſon Familie, le lection de Oriſons & Sermons en ſon private meaſon, ou communement ils ont un Chapel pur cel purpoſe.

Et pur ceo que ils ſont reteine per Letters deſouth le Signet de lour Patrons, & per ceo ſont per entendment deſtre reſiant ove eux, le Ley ad done libertie pur lour Non-reſiance ſur lour Benefices.

Si un Count ou Baron reteigne un Chaplein, & devant ſon advancement ſoit attaint de Treaſon, la le Reteigner eſt determine, & apres l' Attainder tiel Chaplein ne poit accept un ſecond Benefice, pur ceo que ceſtuy que eſt attaint eſt per ſon Attainder un mort perſon en Ley. Et queux perſons de Nobilitie & auters poient reteiner, & quant Chapleins ils ſeveralment poyent reteine, l' Act de 21 *H. 8. c.* 13. bien declare.

La feme de un Baron durant le Coverture ne poit reteigne un Chaplein, uncore quand un Baronnesse dotate reteigne un ou deux, solonque le Proviso del dit Act, ceſt reteigner eſt le principal matter, & cy longe come le Reteigner eſt en force, & le Baronnesse continue un Baronnesse, les Chapleins bien poyent accept' deux Benefices per l'expresse letter del Act; car il suffist, si al temps del Reteigner le Baronnesse suit Widow. Et en ceo ceſt rule eſt destre extend de un feme que atteigne Nobilitie per Marriage, come per Marriage de un Duke, Count, ou Baron, &c. car en tiel case, si el apres marrie desouth le degree de Nobilitie, per tiel Marriage el perde le dignitie a que el ad attaine, & apres tiel darreigne Marriage le poyar de reteiner un Chaplein eſt detetmine. Mes autrement eſt ou feme eſt Noble per Discent, car la sa Reteigner devant ou apres le Marriage ove un que eſt ignoble serra en force, & nemy countermaund per le Marriage, ne determine per sa prisel de un Baron desouth sa degree. *Coke, lib. 4. f.l. 118, 119.*

The Wife of a Baron during the Coverture cannot retain a Chaplain; yet when a Baroness Dowager retains one or two, according to the Proviso of the said Statute, the Retainer is the principal Matter, and as long as the Retainer is in Force, and the Baroness continues a Baroness, the Chaplains may well take two Benefices by the express Letter of the Statute; for it suffices, if at the Time of the Retainer the Baroness were a Widow. And herein this Rule is to be observed as a Woman that attains Nobility by Marriage, as by Marriage of a Duke, Earl, or Baron, &c. for in such Case, if she afterward marry under the Degree of Nobility, by such Marriage she loses the Dignity she had attained, and after such latter Marriage the Power to retain a Chaplain is determined. But otherwise it is where a Woman is Noble by Descent, for there her Retainer before or after the Marriage with one that is not Noble shall be in Force, and is not countermanded by the Marriage, nor determined by her taking a Husband under her Degree. Coke, lib. 4. fol. 118, 119.

Chapter.

CHapter en Latine eſt define destre *Congregation' Clericorum in Ecclesia Cathedrali, conventuali, regulari, vel Collegiata*; & en auter signification, *Locum in quo fiunt communes tractatus Collegiatorum*: & il ad auters significations que ne pas appent a

Chapter.

CHapter in Latin is define to be An Assembly of Cler in a Church Cathedral, conv tual, regular, or Collegiate; in another Signification, A Pl wherein the Members of t Community treat of their co mon Affairs: And it hath oth Significations which apperta

not to our Purpoſe. It may be ſaid that this collegiate Company is termed Chapter metaphorically, the Word originally implying a little Head; for this Company or Corporation is as a Head, not only to rule and govern the Dioceſs in the Vacation of the Biſhoprick, but alſo in many things to adviſe the Biſhop when the See is full.

noſtre purpoſe. Poit eſtre dit que ceſt collegiate Society eſt appel *Chapter* metaphorice, le parol originalment implioit un *petit Teſte*; car ceſt Society ou Corporation eſt ſicome un Teſte, non ſolement a garde & governe le Dioceſſe en le vacation del Eveſquery, mes auxy en pluſors choſes de adviſer l'Eveſque quand le See eſt pleine.

Charge.

CHarge is where a Man grants a Rent iſſuing out of his Land, and that, if the Rent be behind, it ſhall be lawful for him, his Heirs and Aſſignes, to diſtrain till the Rent be paid: this is called a Rent-charge. But if one grant a Rent-charge out of the Land of another, though after he purchaſe the Land, yet the Grant is void.

Charge.

Charge eſt lou un home granta un Rent iſſuant hors de ſon terre, & que, ſi le Rent ſoit arere, il ſerra loyal a luy, ſes Heirs & Aſſigns, a diſtreine tanque le Rent ſoit pay: c'eſt appel un *Rent-charge*, Mes ſi un grant un Rent-charge hors del terre de un auter, coment puis il purchaſe la terre, uncore le Grant eſt void.

Charta Pardonationis ſe defendendo.

THIS is a Form of Pardon for killing another Man in his own Defence. Reg. Orig. fol. 287.

Charta Pardonationis ſe defendendo.

CEO eſt un form de Pardon pur tuer de un auter home en ſon defence demeſne. *Reg. Orig. fol.* 287.

Charter-Land.

CHarter-Land is ſuch as a Man holds by Charter, that is, by Evidence in writing, which otherwiſe is called Free-hold. Copyhold-Lands before the Conqueſt were by the Saxons called Folkland, and the Charter-lands Bockland. And Lambard in his Explication of Saxon Words, ſaith, That this Land was held with more eaſie and commodious Conditions, than Folkland and Copyhold-Land held without writ-

Charter-terre.

Charter-terre eſt tiel que home tient per Charter, c'eſt adire per Evidence en eſcript, que auterment eſt appel Franktenement. Copihold terres devant le Conqueſt ſueront per les *Saxons* appel *Folkland*, & les Charter-terres, *Bockland*. Et *Lambard*, en ſon Explication de *Saxon* parols, dit, Que ceſt terre fuit tenus ove pluis facile & commodious conditions que Folkland ou Copihold

terre tenus ſans Eſcript: Et ſon reaſon eſt, pur ceo que il eſt un frank & immune Inheritance, ou terre ſans eſcript eſt charge ove payments & ſervitude; iſſint que le greind' part de homes de Nobilitie & bone Qualitie poſſeſſont le primer, lauter Ruſtick homes. Le primer nous appellomus Franktenement, & per Charter; lauter, Terre al volunt del Seignior.

Si Riot, Rout, ou illoyal Aſſemble ſoit commiſe, donques per l' Act de 19 *H.* 7. *cap.* 13. vint homes inhabitant deins le County ou le Riot, *&c.* eſt fait (de que cheſcun de eux avera Terres & Tenements deins meſne le County al annuel value de vint ſoulz de Charterhold ou Franktenement, ou vint & ſiz ſoulz de Copihold) ferront enquiry de ceo.

If a Riot, Rout, or unlawful Aſſembly be committed, then by the Statute of 19 H. 7. c. 13. twenty Men inhabiting within the County where the Riot, &c. is made (whereof every of them ſhall have Lands and Tenements within the ſame County to the yearly Value of twenty Shillings of Charterhold or Freehold, or twenty-ſix Shillings of Copyhold) ſhall make Enquiry thereof.

Charter-party.

Charter-party eſt un Indenture des Covenants & Agreements faits enter Merchants ou Mariners touchant lour maritime affairs: & de ceo poyes lier en le Statute, ore obſolete, fait 32 *H.* 8. *cap.* 14.

Charter-party.

Charter-party is an Indenture of Covenants and Agreements made between Merchants or Mariners concerning their Sea-affairs: and of this you may read in the Statute, now out of Uſe, made 32 H. 8. cap. 14.

Charters.

Charters de Terres ſont Eſcripts, Faits, Evidences & Inſtruments, fait de un home al auter, ſur aſcun Eſtate conveyed ou paſſed perenter eux de Terres ou Tenements, monſtrant les noſmes, lieu, & quantitie del Terre, le Eſtate, temps & manner del feaſant de ycel, les Parties a l'Eſtate, deliver ting: And his Reaſon is, becauſe it is a free and abſolute Inheritance; whereas Land without Writing is charged with Payment and Bondage; ſo that for the moſt Part Noblemen and Perſons of Quality poſſeſs the former, and Ruſticks the other. The firſt we call Freehold and by Charter: The other, Land at the Will of the Lord.

Charters.

Charters of Lands are Writings, Deeds, Evidences, and Inſtruments, made from one Man to another, upon ſome Eſtate conveyed or paſſed between them of Lands or Tenements, ſhewing the Names, Place, and Quantity of the Land, the Eſtate, Time, and Manner of the doing thereof, the Parties to the Eſtate, delivered and taken,

ken, the Witneſſes preſent at the ſame, with other Circumſtances.

Chartis reddendis.

CHartis reddendis is a Writ which lies againſt him that has Charters of Feoffment delivered him to be kept, and refuſes to deliver them. Old Nat. Brev. fol. 66. Reg. Orig. fol. 159.

Chaſe.

CHaſe is taken two Ways: firſt, to drive Cattel, as to chaſe a Diſtreſs to a Caſtle; ſecondly, for a Receit, for Deer and Beaſts of the Foreſt; and it is of a middle Nature between a Foreſt and a Park, being commonly leſs than a Foreſt, and not endued with ſo many Liberties, as with Courts of Attachment, Swainmote, and Juſtice Seat; and yet of a larger Compaſs, and having greater Diverſity of Keepers and Game than a Park. Crompt. in his Book of Jurisdictions, fol. 148. ſaith, That a Foreſt may not be in the Hands of a Subject, but it preſently loſes the Name, and becomes a Chaſe; and yet fol. 197. he ſaith, That a Subject may be Lord and Owner of a Foreſt; which though they ſeem contradictory, yet are both his Sayings in ſome Senſe true: For the King may give or alienate a Foreſt to a Subject, yet ſo, that when it is once in the Subject, it loſes the true Property of a Foreſt, becauſe the Courts of Swainmote, Juſtice-Seat and Attachment, preſently vaniſh,

& priſe, les Teſmoignes preſent al ceo, ove auters circumſtances.

Chartis reddendis.

C*Hartis reddendis* eſt un Brief que giſt envers luy que ad Charters del Feoffment deliver al luy pur conſerve, & il refuſe deliver ceux. *Veil Nat. Brev. fol. 66. Reg. Orig. fol. 159.*

Chaſe.

C*Haſe* eſt priſe deux voyes: primerment, a driver Cattel, ſicome a chaſer un diſtreſs a un Fortlet; ſecondement, eſt uſe pur un Receit pur Dames & Avers del Foreſt: & eſt dun nature parent' un Foreſt & un Park, eſteant communement meins que un Foreſt, & nemy endow ove touts Liberties, come ove Courts de *Attachment*, *Swainmote*, & *Juſtice Seat*; & uncore dun pluis large compaſs, & ayant pluis diverſitie del Gardians & Game que un Park. *Crompt.* en ſon Livre de Juriſdictions, *fol.* 148 dit, Que un Foreſt ne poit eſtre en les maines dun Subject, mes il immediatement perde le noſme & devient un Chaſe: & uncore *fol.* 197. il dit, Que un Subject poit eſtre Seign' & owner dun Foreſt; le quels nient obſtant que ſemble contrary, uncore ſont ambideux ſes diſants en aſcun ſenſe voyer: car le Roy poit done ou aliener un Foreſt a un Subject, uncore iſſint que quand il eſt un foits en le Subject, il perde le voyer propertie dun Foreſt, pur ceo que les Courts de *Swainmote*, *Juſtice Seat* & *Attachment* immediatement vanie, nul e-

ſteant able de faire un Seign' chief Juſtice en Eyre del Foreſt forſque le Roy, ſicome *Manwood* ad bien monſtre en ſon Livre de *Foreſt Leys c.* 3. & 4. Uncore poit eſtre grantus en tiel large manner, que la poit eſtre *Attachment* & *Swainmote*, & un Court equivalent a un *Juſtice Seat*, come appiert per lui en meſme le Chapter, *num.* 3. Iſſint que un Chaſe differt de un Foreſt en ceo, pur ceo que poit eſtre en les maines dun Subject, que un Foreſt en ſon proper & voyer nature ne poit eſtre; & de un Park en ceo, que neſt incloſe, & ad non ſolement un pluis large compaſs, & pluis ſtore de Game, mes de Gardians auxy & Supervisors. Vide *Foreſt.*

none being able to make a Lord Chief Juſtice in Eyre of the Foreſt but the King, as Manwood hath well ſhewed, in his Book of Foreſt Laws, cap. 3 & 4. Yet it may be granted in ſuch large Manner, that there may be Attachment and Swainmote, and a Court equivalent to a Juſtice-Seat, as appears by him in the ſame Chapter, num. 3. So that a Chaſe differs from a Foreſt in this, becauſe it may be in the Hands of a Subject, which a Foreſt, in its proper and true Nature, cannot be; and from a Park in this, that it is not incloſed, and hath not only a larger Compaſs, and more ſtore of Game, but of Keepers alſo and Overſeers. See Foreſt.

Chatels.

CHatels. Veies *Catels.*

Chauntry.

CHauntry, *Cantaria*, eſt un Eſgliſe ou Chapel endow ove terres ou auter annual Revenews pur le Maintenance dun ou pluſors Prieſts, de chaunter Maſſe de jour en jour pur les Ames des Donors, & tiels auters que ils appoint. Et de ceux poyes lier en les Statutes 37 *H.* 8. *c.* 4. & 1 *E.* 6. *c.* 14.

Chevage.

CHivage eſt un ſum de argent pay per Villeins a lour Seign' en conuſans de lour Villenage, le quel *Bract. l.* 1. *c.* 10. iſſint define en Latin; *Chevagium dicitur recognitio in*

Chatels.

CHatels. See Catals.

Chauntry.

CHauntry is a Church or Chapel endowed with Lands or other yearly Revenues for the Maintenance of one or more Prieſts, to ſing Maſs daily for the Souls of the Donors, and ſuch others as they appoint. And of theſe you may read in the Statutes made 37 H. 8. c. 4. & 1 E. 6. cap. 14.

Chevage.

CHevage is a Sum of Money paid by Villains to their Lords in acknowledgment of their Slavery, which Bracton lib. 1. cap. 10. thus defines; Chevagium dicitur recognitio in ſignum

ignum ſubjectionis & dominii de capite ſuo. It ſeems alſo to be uſed for a Sum of Money given by one Man to another of Power and might for his Avowment, Maintenance and Protection, as to their Head and Leader. Lam. Lord writes it Chivage, or rather Chiefage.

Cheviſance.

CHeviſance comes from the French Word Chevir, that is, to come to the End or Head of a Buſineſs. And becauſe the perfecting of a Bargain is the drawing of the Matter to the Head, this Word Cheviſance is uſed for bargaining in the Statutes of 37 H. 8. cap. 9. & 13. Eliz. cap. 7 & 8.

Childwit.

CHhildwit, that is, that you may take a Fine of your Bondwoman, defiled and gotten with Child without your Licenſe.

Chimin.

CHimin is the Highway where every Man goes, which is called Via Regia; and yet the King hath no other Thing there but the Paſſage for him and his People; for the Freehold is in the Lord of the Soil, and the Profits growing there, as Trees and other Things. And it is divided into two Sorts, the King's Way, of which is ſpoken before, and a Private Way, or Private Paſſage; and this is the Way in which one Man or more have liberty to paſs, either by Preſcription, or by Writing, through the Land of another: And this is divided into a

ſignum ſubjectionis & dominii de capite ſuo. Semble auxy deſtre uſe pur un ſumme de argent done per un home al auter de poyer & potentia pur ſon avowment, maintenance & protection, ſicome a lour Teſte ou Conductor. *Lambard* ceo eſcrie *Chivage*, ou potius *Chiefage*.

Cheviſance.

CHeviſance venuſt del parol François *Chevir*, id eſt, devener al Chief de quelque choſe. Et pur ceo que le perfection dun Bargaine eſt le porter del matter al fine, ceo parol *Cheviſance* eſt uſe pur Bargainer en le Statutes 37 *H.* 8. *cap.* 9. & 13. *Eliz. cap.* 7 & 8.

Childwit.

CHildwit, *hoc eſt, quod capitatis Gerſumam de nativa veſtra, corrupta & praguata ſine licentia veſtra.*

Chimin.

CHimin eſt le Haut-voy lou cheſcun home paſſa, que eſt appel *Via Regia*; & uncore le Roy nad auter choſe la forſque le paſſage pur luy & ſon People; car le Franktenement eſt en le Seignior del ſoile, & tout les Profits creſſans la, come Arbres & auters choſes. Et ceo eſt divide en deux ſorts, *Via Regia*, de que eſt parle devant, & *Via privata*, ou *Chiminus privatus*; & ceo eſt un Voy per que un home ou pluis ont libertie a paſſer ou per preſcription, ou per charter, ſur le terre dun auter home: & ceo eſt divide en Chimin

en

en groſs, & Chimin appendant, *Kitch. fol. 177. Chimin en groſs*, eſt ceo Voy que home tient principalment & ſolement en luy meſme: *Chimin appendant* eſt ceo que home ad adjoine a aſcun aut' choſe, come apperteinant a ceo; pur example, ſi home priſt un Cloſe ou Paſture, & ad covenant pur ingreſſe & egreſſe, al & de meſme le dit Cloſe, per aſcun auter terre, per que auterment il ne poit paſſer. Ou Chimin en groſſe poit eſtre ceo que les Civilians appel Perſonal; come quand un covenant pur un voy ſur le terre d'un auter home pur luy meſme & ſes Heirs: Chimin appendant, e converſo, poit eſtre ceo que ils appel Real; ſicome quand home purchaſe un voy per le ſoile d'un auter home, pur tiels que inhabitont ou inhabiteront en ceſt ou c'eſt meaſon, ou que ſont les Owners de tiel Manor, a touts jours.

Chiminage.

C*Himinage* eſt un Toll dome pur paſſage per un Foreſt, en diſturbance des Feres del Foreſt.

Chirographer.

C*Hirographer* eſt celuy que en le Office del common Bank engroſſe Fines conus en ceſt Court, en un perpetual Record, (puis que ils ſont conus & pleinment paſſe per ceux Officers per queux ils ſont primerment examine) & que eſcrie & deliver les Indentures, un pur le Purchaſor, & auter pur le Vendor, & fait un auter Eſcrow

Way in Groſs, and a Way appendant, Kitch. fol. 177. Chimin in groſs, is that Way which a Man holds principally and ſolely in it ſelf: Chimin appendant is that which a Man hath adjoined to ſome other Thing, as appertaining thereunto; for example, If a Man hires a Cloſe or Paſture, and hath a Covenant for ingrets and egreſs, to and from the ſaid Cloſe, through the Ground of ſome other, through which otherwiſe he might not paſs. Or a Way in Groſs may be that which the Civilians call Perſonal; as when one covenants for a Way through the Ground of another Man for himſelf and his Heirs: A Way appendant on the other Side, may be that which they call Real, as when a Man purchaſes a Way through the Ground of another Man, for ſuch as do or ſhall dwell in this or that Houſe, or that are the Owners of ſuch a Manor, for ever.

Chiminage.

CHiminage is a Toll paid for a Man's paſſage through a Foreſt, to the Diſquiet of the wild Beaſts of the Foreſt.

Chirographer.

CHirographer is he that in the Common-Bench-Office ingroſſes Fines acknowledged in that Court into a perpetual Record, (after they are acknowledged and fully paſſed by the Officers by whom they are firſt examined) and that writes and delivers the Indentures, one for the Buyer, and another for him that ſells; and makes another indented Piece, contain-

lſo the Effect of the Fine, which e delivers over to the Cuſtos revium, which is called the Foot of the Fine. The Chi-ographer alſo, or his Deputy, roclaims all the Fines in the ourt every Term, according the Statutes, and then re-airing to the Office of the Cu-os Brevium, there endorſes e Proclamations upon the ackſide of the Foot thereof, d always keeps the Writ of ovenant, as alſo the Note of e Fine.

Chivage.

Chivage. See Chevage.

Chivalry.

Chivalry is a Tenure of Land by Knight's-ſervice: For better underſtanding whereof s to be known, that there is Land but is held mediately immediately of the Crown ſome Service or other; and refore all our Freeholds that to us and our Heirs are ed Fees, as proceeding from Bounty of the King for ſome ll yearly Rent, and the Per-mance of ſuch Services as o-nally were impoſed upon the d at the giving thereof: For he King gave to his Nobles, immediate Tenants, great ſeſſions for ever, to hold of for ſuch or ſuch Rent and vice; ſo they again in Time elled out, to ſuch as pleaſed , their Lands ſo received e King's Bounty, for ſuch ts and Services as to them ed good. And theſe Services

endented, conteinant auxy le effect del Fine, que il deliver ouſter al *Cuſtos Brevium*, que eſt appel le Pee del Fine. Le Chirographer auxy, ou ſon Deputy, proclaime touts les Fines en le Court cheſcun Term, accordant al Statute, & donques en alant al Office del *Cuſtos Brevium* la endorſe les Proclamations ſur le dorſe del Pee de ceo, & touts foits retaine le Brief de Covenant, come auxy le Note del Fine.

Chivage.

Chivage. Veies *Chevage.*

Chivalrie.

Chivalrie eſt un Tenure de terre per ſervice de Chivaler: pur le mieux intelligence de que eſt d'eſtre conus, que la n'eſt aſcun terre mes il eſt tenus mediatement ou immediatement del Corone per aſcun Service ou auter; & pur ceo touts noſtre Franktenements que ſont a nous & a noſtre Heires ſont appel Fees, come enſuants de le bountie del Roy pur petit annual Rent, & le performance de tiels ſervices que originalment fueront impoſe ſur le terre al donation de ceo: Car ſicome le Roy done a ſes Nobles, ſes immediate Tenants, graund Poſſeſſions a touts jours, a tener de luy pur celuy ou tiel Rent & Service; iſſint ils arere en temps divide ouſter, a tiels que pleiſt a eux, lour terres iſſint receive del bountie le Roy, pur Rents & Services come a eux ſemble bien. Et

ceux

ceux Services ſont touts per *Littleton* divide en deux ſorts, *Chivalrie* & *Socage*; l'un Martial & Militarie, le auter Rural & Ruſtical.

Chivalrie pur ceo eſt un Tenure per que le Tenant eſt lie a performer aſcun Noble ou Militarie Office a ſon Seignior; & eſt de deux ſorts, ou Regal, c'eſtaſcavoir, tiel que poit eſtre tenus ſolement del Roy, ou tiel que poit auxy eſtre tenus d'un common Perſon cybien come del Roy. Ceo que poit eſtre tenus ſolement del Roy, eſt properment appel *Servitium* ou *Serjeantia*, & eſt auxy arere divide en *Grand* & *Petit Serjeantie*. *Grand Serjeantie* eſt ceo, ou home tient terres del Roy per ſervice que il devoit fair en ſon perſon demeſne, come a porter le Banner le Roy ou ſon Lance, ou de ameſner ſon Hoaſt, ou d'eſtre ſon Marſhal, ou a ventier un Cornu quand il viet ſes Enemies invade le Terre, ou de trover un home array de pugne deins le quater Meres, ou de fair ceo luy meſme, ou de port l'Eſpe le Roy devant luy a ſon Coronation, ou a cet jour d'eſtre ſon Sewer, Carver, Butler, ou Chamberlain.

Petit Serjeantie eſt, ou un home tient terre del Roy de render a luy annuelment un Arc, un Eſpee, un Dagger, un Cuttel, un Launce, un paire de Gants de ferre, un paire de Spors de ore, ou de render auters tiels petit choſes touchant le Guerre.

are all by Littleton divided into two Sorts, Chivalry and Socage; the one Martial and Military, the other Clownish and Ruſtical.

Chivalry is therefore a Tenure whereby the Tenant is bound to perform ſome Noble or Military Office to his Lord; and is of two Kinds, either Regal, that is, ſuch as may be held only of the King, or ſuch as may alſo be held of a Common Perſon as well as of the King. That which may be held only of the King is properly called Servitium or Sergeantia, and is alſo again divided into Grand and Petit Serjeanty. Grand Serjeanty is that, where a Man holds Lands of the King by Service which he ought to do in his own Perſon, as to carry the King's Banner or his Spear, to lead his Army, to be his Marſhal, to blow a Horn when he ſees his Enemies invade the Land, or to find an armed Man to ſerve within the four Seas, or to do it himſelf, or to carry the King's Sword before him at his Coronation, or at that Day to be his Sewer, Carver, Butler, or Chamberlain.

Petit Serjeanty is, where a Man holds Land of the King to pay him yearly a Bow, a Sword, a Dagger, a Knife, a Spear, a pair of Gloves, a Maill, a pair of Spurs of Gold, or to give ſuch other ſmall Things concerning War.

Chivalry that may hold of a Common Perſon as well as of the King is called Eſcuage, Service of the Shield; and this is either uncertain, or certain. Eſcuage uncertain is alſo of two kinds; Firſt, where the Tenant by his Tenure is bound to follow his Lord going in perſon to the King's Wars againſt his Enemies, either himſelf, or to ſend a ſufficient Man in his Place, there to be maintained at his Coſts ſo many Days as were agreed upon between the Lord and his Tenant at the granting of the Fee. And the Days of ſuch Service ſeem to have been rated by the Quantity of the Land ſo held: As if it extends to a whole Knight's Fee, then the Tenant was bound ſo to attend his Lord 40 Days; and a Knight's Fee was ſo much Land as in whole Days was accounted a ſufficient Living for a Knight, and this was 680 Acres, by the Opinion of ſome, or 800, as others think; or 15 Pounds by the Year. Camden's Brit. fol. 110. If the Land extends but to the Moiety of a Knight's Fee, then the Tenant is bound to follow his Lord but 20 Days; if to a 4th Part, then 10 Days. Fitz. Nat. Brev. fol. 83. c. & 84. e. The other Kind of Eſcuage uncertain is called Caſtleward. Where the Tenant by his Land is bound, either by himſelf or ſome other, to defend a Caſtle as often as it ſhall come to his turn.

Eſcuage certain is, where the Tenant is aſſeſſed to a certain ſum of Money to be paid in ſtead of ſuch uncertain Service; as that a Man ſhall pay yearly

Chivalrie que poit tener de un common Perſon cybien come del Roy eſt appel *Eſcuage, Servitium ſcuti*; & c'eſt ou uncertain, ou certain. *Eſcuage uncertain* eſt auxy de deux ſorts; primerment, ou le Tenant per ſon Tenure eſt lie de attender ſon Seignior alant en perſon al guerres le Roy envers ſes Enemies, ou luy meſme, ou mitter un ſufficient home en ſon lieu, la d'eſtre maintain a ſes coſts tants des jours come fuer' agree perent' le Seignior & ſon primer Tenant al grant' del Fee. Et les jours de tiel ſervice ſemble d'eſtre aſſeſſe per le quantity del terre iſſint tenus: Come ſi ceo extend a un entire Fee de Chivaler, donque le Tenant fuit lie iſſint de attender ſon Seignior 40 jours; & un Fee de Chivaler fuit tant de terre come en ceux jours fuit account un ſufficient viver pur un Chivaler, & ceo fuit 680 Acres, per l'opinion de aſcun, ou 800 come auters ſemblont, ou 15 livers per l'an. *Camden Brit. fol.* 110. Si le terre extende forſque al moiety de un Fee de Chivaler, donque le Tenant eſt lie de attend ſon Seignior mes 20 jours; ſi a un quart part donque 10 jours, *Fitz. Nat. Brev. fol.* 83. *c.* & 84. *c c.* L'auter kind de Eſcuage uncertain eſt appel *Caſtle guard*, ou le Tenant per ſon terre eſt lie, ou per luy meſme ou per aſcun aut', a defender un Caſtle ſi toſt come avenera a ſon courſe.

Eſcuage certain eſt, ou le Tenant eſt aſſeſſe a un certain ſum de argent d'eſtre pay en lieu de tiel uncertain ſervice; come que un home payera annual-

ment

ment pur un Fee Chivaler 20 s. pur le moiety 10 s. ou aſcun tiel rate. Et ceſt Service, pur ceo que eſt trahe a un certain Rent, vient d'eſtre de un mixt nature, nient merement Socage; car ne oler pas del Carue; & uncore Socage en effect, eſteant jammes neque perſonal Service, neque uncertain. Chivalrie ad auters conditions annexe a ceo; come Homage, Fealtie, Gardſhip, Reliefe, & Marriage, *Bract. l.* 2. *c.* 35. & que ils ſignifies veies en lour ſeveral lieus. Chivalrie eſt ou general, ou ſpecial, *Dyer f.* 161. *pla.* 47. General ſemble d'eſtre, ou eſt ſolement dit en le Feoffment, que le Tenant tient *per Servitium militare*, ſans aſcun ſpecification de Serjeantie, Eſcuage, &c. Special eſt ceo que eſt declare particularment per quel kind de ſervice de Chivalrie il tient. Veies le Statute, 12 *Car.* 2. *c.* 24.

Choſe en Action.

C*Hoſe en Action* eſt, quand un home ad cauſe, ou poit porter un Action pur aſcun duty due a luy; come un Action de Dett ſur un Obligation, Annuitie, ou Rent, Action de Covenant, ou Gard, Treſpaſs des biens import, Battery, ou tielx ſemblable: Et pur ceo que ils ſont choſe de queux un home n'eſt poſſeſſe, mes pur recoverie de eux eſt mis a ſon Action, ils ſont appelles *Choſes en Action*. Et ceux Choſes en Action que ſont certain, le Roy poit graunter & le Grauntee poit uſer un Action pur eux en ſon noſme demeſne ſolement: Mes un common perſon ne poit

for a Knight's Fee 20 Shillings, for the half, 10 Shillings, or any ſuch Rate. And this Service, becauſe it is drawn to a certain Rent, comes to be of a mixt Nature, not merely Socage; for it ſmells not of the Plow; and yet Socage in Effect, being now neither perſonal Service, nor uncertain. Chivalry hath other Conditions annexed thereunto; as Homage, Fealty, Wardſhip, Relief, and Marriage, Bracton, l. 2. c. 35. and what they ſignifie ſee in their ſeveral Places. Chivalry is either general, or ſpecial, Dyer fol. 161. pla. 47. General ſeems to be, where it is only ſaid in the Feoffment, that the Tenant holds by Knight's-ſervice, without any Specification of Serjeanty, Eſcuage, &c. Special is that which is declared particularly what kind of Knight's-Service he holds by. See the Statute 12 Car. 2. c. 24.

Thing in Action.

THing in Action is, when a Man hath Cauſe, or may bring an Action for ſome Duty due to him; as an Action of Debt upon an Obligation, Annuity, or Rent, Action of Covenant, or Ward, Treſpaſs of Goods taken away, Beating, or ſuch like: And becauſe they are Things whereof a Man is not poſſeſſed, but for Recovery of them is driven to his Action, they are called Things in Action. And thoſe Things in Action that are certain the King may grant, and the Grantee may have an Action for them in his own Name only: But a Common Perſon cannot grant his

Thing

Thing in Action, nor the King himself his Thing in Action, which is uncertain, as Treſpaſs and ſuch like.

But of late Times it is uſed in London, that Merchants and others there, who have Bills without Seals for Payment of Money, aſſign them to others, who bring Actions in their own Names.

Churcheſſet.

Churcheſſet is a Word whereof Flet. l. 1. c. 47. in the End thus writes: It ſignifies a certain Meaſure of Wheat, which in Times paſt every Man on St. *Martin's* Day gave to Holy Church, as well in the Time of the *Britains* as of the *Engliſh*. Yet many great Perſons, after the coming of the *Romans*, gave that Contribution, according to the ancient Law of *Moſes*, in the Name of the Firſt-Fruits, as in the Brief of King *Canutus* ſent unto the Pope is contained; in which they call the Contribution *Churchſed*, as one would ſay, Church-ſeed.

Churchwardens.

Churchwardens are Officers yearly choſen by the Conſent of the Miniſter and the Pariſhioners, according to the Cuſtom of every ſeveral Place, to ſee to the Church, Churchyard, and ſuch Things as belong to both, and to obſerve the Behaviour of the Pariſhioners, for ſuch Crimes as appertain to the Juriſdiction or Cenſure of the Eccleſiaſtical Court. Theſe are a kind of Corporation, and are enabled by Law to ſue for any Thing

graunt ſon choſe en Action, ne le Roy luy meſme ſon choſe en Action, quel eſt uncertain, come Treſpaſs, & tiels ſemblables.

Mes de tardiffe temps eſt uſe en *Londre* que Merchants & auters les queux ont Bills ſans Seals pur payment de Argent eux aſſigner al auters, queux aſſignes porteront Actions en lour noſmes demeſnes.

Churcheſſet.

Churcheſſet eſt un parol de que *Flet. l.* 1. *c.* 47. en le fine iſſint eſcrie: *Certam Menſuram bladi tritici ſignificat, quam quilibet olim Sanctæ Eccleſiæ die* S. Martini, *tempore tam* Britonum *quam* Anglorum, *contribuerunt. Plures tamen Magnates, poſt* Romanorum *adventum, illam Contributionem, ſecundum vet. Legem* Moyſi, *nomine Primitiarum dabant, prout in Brevi Regis* Kanuti *ad ſummum Pontificem tranſmiſſo continetur; in quo illam Contributionem* Churchſed *appellant, quaſi Semen Eccleſiæ.*

Gardians d'Eſgliſe.

Gardians d' Eſgliſe ſont Officers annualment e'ect per le conſent del Miniſter & les Parochians, accordant al cuſtom de cheſcun ſeveral lieu, a veier al Eſgliſe, Cemiter, & tiels choſes queux appent al ambideux, & de obſerver le geſture des Parochians, pur tiels crimes que appertain al Juriſdiction ou Cenſure del Court Eccleſiaſtical. Ceux ſont un kind de Corporation, & ſont enable per Ley de ſuer pur aſcun choſe

choſe apperteignant a lour Eſgliſe, où les Povers del Paroche. Veies *Lambard* del Dutie des Gardians del Eſgliſe.

belonging to their Church, a the Poor of the Parish. Se Lambard's Duty of Church wardens.

Cinque Ports.

Cinque Ports ſont cinque Haven-villes, ceſtaſcavoir, *Haſtings*, *Romney*, *Hythe*, *Dover*, & *Sandwich*, a queux ad eſte grant long temps paſſe mult Liberties (que auters Port-villes nont,) & ceo primerment en le temps del Roy *Edovart* appel le Confeſſor; & fueront encreaſe apres, & ceo eſpecialment en les jours del troys *Edowarts*, le primer, ſecond, & le tierce, come appiert en le livre de *Domeſday* & auter vieux Monuments, trop long de recite.

Veies *Gardein des Cinque-Ports*, & *Stat.* 32 *Hen.* 8. *cap.* 48. & 4 *Inſt. fol.* 222.

Cinque-Ports.

Cinque-Ports are five Haven-Towns, that is, Haſtings, Romney, Hythe, Dover, and Sandwich, to which have been granted long Time ſince many Liberties (which other Port-Towns have not,) and that firſt in the Time of King Edward the Confeſſor; which have been increaſed ſince, and that chiefly in the Days of the three Edwards, the firſt, the ſecond, and third, as appears in Domeſday Book, and other old Monuments too long to recite.

See Warden of the Cinque-Ports, and the Stat. 32 Hen. 8. cap. 48. and 4 Inſt. fol. 222.

Circuitie de Action.

Circuitie de Action eſt, quand un Action eſt droiturelment port pur un Dutie, mes uncore circum le buſh, come ſemble, pur ceo que poet cy-bien eſtre auterment reſpondue & determine, & le Suit ſave: Et pur ceo que meſme l' Action ſuit pluis que beſoigne. il eſt appel *Circuitie de Action*, come ſi un home grant un Rent-charge de x l. hors de ſon Manor de *Dale*, apres le Grantee diſſeiſiſt le Grantor de meſme le Manor, & il port un Aſſiſe, & recover le Terre, & xx l. Damages, le quel xx l. eſteant pay, le Grantee del Rent ſue ſon Action pur x l. de ſon Rent due durant le temps de le Diſſeiſin,

Circuity of Action.

Circuity of Action is, when a Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that might as well have been otherwise answered and determined and the Suit saved: And because the same Action was more than needful, it is called Circuity of Action. As if a Man grant a Rent-charge of x li. out of his Manor of Dale, and after the Grantee diſſeiſes the Grantor of the ſame Manor and he brings an Aſſiſe, and recovers the Land, and xx li. Damages, which xx li. being paid, the Grantee of the Rent ſues his Action for x li. of Rent due during the Time of the Diſſeiſin, which is

Diſſeiſin had been he muſt have had: This is called Circuity of Action, becauſe it might have been more ſhortly anſwered: For whereas the Grantor ſhall receive xx l. Damages, and pay x l. Rent, he may have received but the x l. only for the Damages, and the Grantee might have cut off and kept back the other x l. in his Hands, by way of Detainer for his Rent, and ſo thereby might have ſaved his Action.

Circumſpecte agatis.

Circumſpecte agatis is the Title of a Statute made 13 E. 1. Anno Domini 1268. preſcribing ſome Caſes to the Judges, wherein the King's Prohibition lies not.

Circumſtantibus.

Circumſtantibus is a Word of Art, ſignifying the Supply and making up the Number of Jurors, if any impanelled do not appear, or are challenged by either Party, by adding to them as many others of thoſe that are preſent and Standers-by. See 35 H. 8. c. 6. & 5 El. c. 25.

City.

City is ſuch a Town corporate as hath a Biſhop and a Cathedral Church, whereof ſuch Words are found: The ſame Place is called *Urbs*, *Civitas*, and *Oppidum*. It is called *Civitas* in regard it is governed in Juſtice and Order of Magiſtracy; *Oppidum* for that there are therein great plenty of Inhabitants; and *Urbs*, becauſe it is in due Form begirt about with Walls. But that Place

le que ſi nul final Diſſeiſin ad eſte il doit aver ewe: C'eſt appel Circuitie de Action, put ceo que il poit aver eſte pluis briefment reſpondue; car lou le Grantor doit receive xx l. Damages, & payer x l. Rent, il puit aver receive forſque le x l ſolement pur les Damages, & le Grantee puit aver recoup, & retaine arere le auter x l. en ſes maines pur voy de deteiner pur ſon Rent, & iſſint per ycel poet aver ſave ſon Action.

Circumſpecte agatis.

Circumſpecte agatis eſt le Title d' un Eſtature, fait 13 *E.* 1. *Anno Domini* 1285. preſcrivant al Judges aſcuns Caſes en les queux la Prohibition le Roy ne giſt.

Circumſtantibus.

Circumſtantibus eſt un parol de Art, expreſſant le Supply & addition & numbre de Jurors, ſi aſcun impanele ne appearont pas, ou ſont challenge per aſcun partie, per adding a eux cy pluſors auters de eux que ſont preſent & circumſtantes. Veies 35 *H.* 8. *c.* 6. & 5 *Eliz.* 25.

City.

City eſt tiel Ville corporate que ad un Eveſque & un Egliſe Cathedral, & de ceo tiels parols ſont trove: *Idem locus* Urbs, Civitas, & Oppidum *appellatur*: Civitas *enim dicitur, quatenus cum juſtitia & Magiſtratuum ordine gubernatur*; Oppidum, *quatenus eſt ibi copia Incolarum*; & Urbs, *quatenus muris debito modo cingitur. Proprie autem dicitur*

Civitas *que habet Episcopum.* Uncore *Crompton* en ſon *Juriſdictions* mention touts les Cities, & omit *Ely*, nient obſtant que ad un Eveſque & un Eſgliſe Cathedral, & mitta eins *Weſtminſter*, nient obſtant que jammes n'ad aſcun Eveſque. Et 35 *El. c. 6. Weſtminſter* eſt appel un City: & *An. 27 ejuſd. c.* 5. (de Statutes nient imprime) *Weſtminſter* eſt equalment appel un City ou Borough. Il appiert per le Stat. 35 *H.* 8. *c.* 10 que donques la fuit un Eveſque de *Weſtminſter*. *Caſſaneus* eſcrie, que *France* ad diens les Territories 104 Cities, & il render ceſt reaſon, pur ceo que la ſont cy pluſors Sees de Archeveſques & Eveſques.

Clack.

CLack, ſicome a *Clacker*, *forcer*, & *bard* lane, 8 *H.* 6. *c* 22. de que le primer, *viz.* de *Clacker* lane eſt, de ſcinder les marks de Barbits, que fait ceo d'eſtre de meind poys, & iſſint de payer le meind Cuſtom al Roy: De *Forcer* lane eſt, de clip per le ouſter & pluis crineous part de ceo: De *Bard* ou *beard* lane eſt, de ſcinder le Teſte & Colle del aut' parte del Toiſon.

Claime.

CLaime eſt un Challenge per aſcun home de le propertie ou ownerſhip de un choſe que il nad en poſſeſſion, mes eſt deteigne de luy tortiouſment: Et le party que iſſint fait ſon Claim perdera per ceo un grand advantage; car en aſcun Caſes il poit per ceo avoider un Diſcent de terres; & en aſcun caſes il per ceo

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CLack, as to clack, force, and bard Wool, 8 H. 6. cap. 22. whereof the firſt, viz. to Clack Wool is, to cut off the Mark of the Sheep, which makes it to weigh leſs, and ſo to pay the leſs Cuſtom to the King: To Force Wool is, to clip the upper and moſt hairy Part of it: To Bard or beard Wool is, to cut the Head and Neck from the other Part of the Fleece.

Claim

CLaim is a Challenge by any Man of the Property or Ownerſhip of a Thing which he hath not in Poſſeſſion, but is with-holden from him wrongfully: And the Party that ſo makes this Claim ſhall have thereby a great Advantage; for by it, in ſome Caſes, he may avoid a Deſcent of Lands; and by it, in other Caſes, he may

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Alſo, if a Fine be levied of another Man's Land, then he that hath Right thereunto ought to make his Claim within five Years after the Proclamation had, made, or certified, by the Statute of 4 H. 7. cap. 24. But a Stranger that hath no Right cannot of his own Head enter, or make Claim in the Name of him that hath Right to avoid the Fine within the five Years, without Commandment precedent, or Aſſent ſubſequent: Yet Gardian for Education, or in Socage, may enter or make Claim in the Name of the Infant that hath Right to enter or make Claim; and this ſhall help the Eſtate of the Infant, without Commandment or Aſſent, for there is Privity between them.

Claim of Liberty.

IS a Suit or Petition to the King, in the Court of Exchequer, to have Liberties and Franchiſes confirmed there by the King's Attorney General. Coke Ent. 93.

Clamea admittenda in Itinere per Attornatum,

IS a Writ whereby the King commands the Juſtices in Eyre to admit by Attorney the Claim of a Man that is employ'd in the King's Service, and can-

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Auxy, ſi Fine ſoit levie del terre a un auter home, donque ceſtuy que ad droit a ceo doit faire ſon Claime deins cinque ans apres le Proclamation ad, fait, ou certifie, per le Statute de 4 H. 7. c. 24. Mes un eſtranger que nul droit ad ne poit de ſon teſte demeſne enter, ou faire Claime en le noſme de ceſtuy que droit ad de avoider le Fine deins les cinque ans, ſans commandment precedent ou aſſent ſubſequent: Uncore Gardian pur nurture, ou en Socage, poit enter ou faire Claime en le noſme del Enfant que ad droit de enter ou faire Claime; & c'aydera le eſtate del Enfant, ſans aſcun commandment ou aſſent, car la eſt privitie enter eux.

Claime de Liberties.

EST un Suit ou Petition al Roy, en le Court de Exchequer de aver Liberties & Franchiſes d'eſtre confirm la per l' Attorney General le Roy. *Coke Ent.* 93.

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vice le Roy; & ne puit venir en ſa proper perſone. *Reg. Orig. fol.* 19.

Clauſum fregit.

C*Lauſum fregit* ſignifie cy tant com: un Action de Treſpaſs, & eſt iſſint appel, pur ceo que en le Brief un tiel eſt ſummone a reſponder *Quare Clauſum fregit*, c'eſt a dire, pur que il fiſt un tiel Treſpaſs.

Clergie.

C*Lergie* eſt priſe divers voyes; aſcun foits pur tout le nombre de homes de Religion, aſcun foits pur un Plee a un Indictment ou Appeal: Et eſt define d'eſtre un ancient Libertie de Eſgliſe, confirm en divers Parliaments. Et eſt, quand un home eſt arraigne de Felony, ou tiels ſemblables, devant un temporal Judge, &c. & le Priſoner pria ſon Clergie, ceſt a dire, pur aver ſon Liver, quel en ancient temps fuit autant ſicome il uſt prie d'eſtre diſmiſſe del temporal Judge, & d'eſtre deliver al Ordinary de purger luy meſme de meſme Offence. Et donques le Judge commandera le Ordinary de trier ſil poit lier come un Clerk, en tiel Livre & lieu come le Judge aſſignera. Et ſi le Ordinary certifie le Judge que il poit, donques le Priſoner navera Judgment de perder ſon vie. Mes ceſt Libertie de Clergie eſt reſtrain per les Stat. de 8 *Eliz. c.* 4. *an.* 14 *ejuſd. c.* 5. *an.* 18 *ejuſd c.* 4, 6, 7. *&* 23 *ejuſd. c.* 2. *&* 29 *ejuſd. c.* 2. *&* 31 *ejuſd. c.* 12. *&* 39 *ejuſd. c.* 9. *&* 13. Veies *Crompt. Juſtice de Peace fol.* 102, *&c.* & *Staundf. lib.* 2. *c.* 41. & Stat. de 18 not come in his own Perſon. Reg. Orig. fol. 19.

Clauſum fregit.

CLauſum fregit ſignifies as much as an Action of Treſpaſs, and is ſo called, becauſe in the Writ ſuch a one is ſummoned to anſwer Quare Clauſum fregit, that is to ſay, why he did ſuch a Treſpaſs.

Clergy.

CLergy is taken divers Ways; ſometimes for the whole Number of religious Men; ſometimes for a Plea to an Indictment or Appeal; and is defined to be an ancient Liberty of the Church, confirmed in divers Parliaments. And it is, when a Man is arraigned of Felony, or ſuch like, before a temporal Judge, &c. and the Priſoner prays his Clergy, that is, to have his Book, which in ancient Time was as much as if he deſired to be diſmiſſed from the temporal Judge, and to be delivered to the Ordinary to purge himſelf of the ſame Offence. And then the Judge ſhall command the Ordinary to try if he can read as a Clerk, in ſuch a Book and Place as the Judge ſhall appoint. And if the Ordinary certifie the Judge that he can, then the Priſoner ſhall not have Judgment to loſe his Life. But this Liberty of the Clergy is reſtrained by the Statutes of 8 El. c. 4. an. 14 ejuſd. c. 5. an. 18 ejuſd. c. 4, 6, 7. & 23 ejuſd. c. 2. & 29 ejuſd. c. 2. 31 ejuſd. c. 12. & 39 ejuſd. c. 9 & 13. & See Crompt. Juſtice of Peace, fol. 102, &c. and Staundf. lib. 2. c. 41. and the Stat. of 18 Eliz. c. 7.

c. 7. by which Clerks are not to be delivered to their Ordinaries to be purged; but now every Man, though not within Orders, is put to read at the Bar, being found guilty, and convicted of such Felony, for which this Benefit is still granted, and so burned in the Hand, and set free the first Time, if the Ordinary's Commissary or Deputy saith, He readeth as a Clerk; or otherwise he suffers Death for his Transgression.

Clerico admittendo.

CLerico admittendo is a Writ directed to the Bishop for the admitting a Clerk to a Benefice upon a Ne admittas tried and found for the Party that procures the Writ. Reg. Orig. fol. 31.

Clerk.

CLerk hath two Significations, one as it is the Title of him that belongs to the holy Ministry of the Church, that is, in these Days, either Minister or Deacon of what other Degree or Dignity soever; although that in ancient Time not only Sacerdotes and Diaconi, but also Subdiaconi, Cantores, Acoluthi, Exorcistæ and Ostiarii were within this Account, as they are at this Day where the Canon-Law hath full Power. And in this Signification a Clerk is either religious (otherwise called regular) or secular. 4 H. 4. c. 12.

The other Signification of this Word denotes such as by their Functions or Course of Life use their Pen in any Court, or otherwise; as name-

Eliz. c. 7. per que Clerks ne sont d'estre deliver a lour Ordinaries d'estre purge; mes jammes cheſcun home, coment nient deins Orders, est mis a lier al Barre, esteant trove culpable, & convict de tiel Felony, pur que ceſt benefit en uncore grant, & illint arse est le maio, & enlarge pur le primer temps, si le Commissary ou Deputy del Ordinary dir, *Legit ut Clericus*; ou auterment il suffre mort pur lon peche.

Clerico admittendo.

C*Lerico admittendo* est un Brief direct al Evesque pur l'admittance de un Clerk a un Benefice, sur un *Ne admittas* trie & found pur le party que procure le Brief. *Reg. Orig. fol.* 31.

Clerk.

C*Lerk* ad deux significations, un come est le title de celuy que appertient al sanct Ministerie de le Esglise, cestasçavoir, en ceux jours ou Minister ou Deacon de quecunque auter Degree ou Dignity, nient obstant que en pristine temps non solement *Sacerdotes* & *Diaconi*, mes auxy *Subdiaconi*, *Cantores*, *Acoluthi*, *Exorcista* & *Ostiarii* fueront deins ceſt accompt, sicome ils sont a ceſt jour ou le Ley Canon ad pleine poyar. Et en ceſt signification Clerk est ou Religious (auterment appel regular) ou Secular. 4 *H.* 4. *c* 12.

L'auter signification de ceſt parol denote tiels que per lour function ou course de vie usont lour plume en ascun Court, ou auterment; come nosme-

ment le Clerk des Rotules del Parliament, Clerks del Chancery, & tiels ſembles.

Clerk attaint.

Clerk attaint eſt celuy que pria ſon Clergie devant judgment ſur luy done de Felony, & ad ſon Clergy allow; tiel Clerk ne poit faire ſon Purgation.

Clerk convict.

Clerk convict eſt celuy que pria ſon Clergie devant judgment ſur luy done de Felony, & ad le Clergie grant; tiel Clerk puit fair ſon Purgation. Nota, que cel Purgation fuit fait quand il fuit dimiſſe al Ordinarie la d'eſtre trie del enqueſt del Clerks; & pur ceo ore per le Stat. 18 *Eliz. cap.* 7. nul tiel eſt miſſe al Ordinarie.

Clerk del Aſſiſe.

Clerk del Aſſiſe, Clericus Aſſiſæ, eſt celuy qui eſcrit touts choſes judicialment fait per les Juſtices de Aſſiſe en lour Circuits. *Crompt. Juriſdict. fol.* 227.

Cloſh.

Cloſh ou *Cloſſe* eſt un illoyal Game prohibit per le Statute fait en l'an 17 *E.* 4. *c.* 3. & eſt inhibit auxy per le Statute de 33 *H.* 8. *c.* 9. Mes icy eſt plus properment appel *Claſh*; car eſt le mitrer d'un Boul as neuf Eſpingles de Boys, ou neuf Shank-bones de un beeſe ou chival: Et eſt ore uſualment appel *Kailes*, ou *Nine-pins*.

ly the Clerk of the Rolls of Parliament, Clerks of the Chancery, and ſuch like.

Clerk attaint.

CLerk attaint is he who prays his Clergy after Judgment given upon him of the Felony, and hath his Clergy allowed; ſuch a Clerk might not make his Purgation.

Clerk convict.

CLerk convict is he who prays his Clergy before Judgment given upon him of the Felony, and hath his Clergy granted, ſuch a Clerk might make his Purgation. Note, That this Purgation was made when he was diſmiſſed to the Ordinary, there to be tried by the Jnqueſt of Clerks: And therefore now by the Stat. of 18 Eliz. cap 7. no ſuch is put to the Ordinary.

Clerk of Aſſiſe.

CLerk of Aſſiſe, Clericus Aſſiſæ, is he who writeth all Things done judicially by the Juſtices of Aſſiſe in their Circuits, Crompt. Juridict. fol. 227.

Cloſh.

CLoſh is an unlawful Game forbidden by the Statute made in the 17 Year of E. 4. c. 3. and it is inhibited alſo by the Statute of 33 H. 8. c. 9. But there it is more properly called Claſh; for it is the throwing of a Bowl at nine Pins of Wood, or nine Shank-bones of an Ox or Horſe: And it is now ordinarily called Kailes, or Nine-pins.

Coad-

Coadjutor.

COadjutor to the Diſſeiſin is he who with another diſſeiſes one of his Freehold to the Uſe of the other, and he ſhall be puniſhed as a Diſſeiſor; but he is not ſuch a Diſſeiſor who gains the Freehold, but the Freehold veſts and is wholly in him to whoſe Uſe the Diſſeiſin was committed, as appears in Littleton, l. 3. c. 3. of Jointenants.

Cocket.

COcket is a Seal pertaining to the King's Cuſtom-Houſe, and it ſignifies alſo a Scrowl of Parchment, ſealed and delibered by the Officers of the Cuſtom-Houſe to Merchants, as a Warrant that their Merchandizes are cuſtomed. This Word is uſed in the old Statutes now expired of 14 E. 3. Stat. 1. c. 21. & 11 H. 6. c. 16.

Codicil.

COdicil is a Will or Teſtament of a Man concerning that which he would have done after his Death without the appointing of an Executor. Or it is an Addition or Supplement added unto a Will or Teſtament after the finiſhing of it, for the Supply of ſomething which the Teſtator had forgotten, or to help ſome Defect in the Will. Of this you may read more in Swinbourn Of Wills and Teſtaments, part 1. Sect. 5. num. 2, 3, &c.

Cogniſance. See Conuſance.

Coadjutor.

COadjutor al Diſſeiſin eſt celuy que ove auter diſſeiſe un de ſon Franktenement al uſe del auter, & il ſerra punie come un Diſſeiſor; mes il n'eſt tiel Diſſeiſor que gaine le Franktenement, mes le Franktenement veſt & eſt tout en celuy a que uſe le Diſſeiſin fuiſt commit, come appiert en *Littleton, l.* 3. *c.* 3. de *Joyntenants.*

Cocket.

COcket eſt un Seale que apperteine al Cuſtome Houſe le Roy, & ſignifie auxy un Eſcrowle del Parchment, ſeal & deliver per le Officers del Cuſtome-Houſe as Merchants, come un Garrant que lour Metchandizes ſont cuſtomes. Ceſt parol eſt uſe en les veux Statures ore expires, faits 14 *E.* 3. *Stat.* 1. *c.* 21. *&* 11 *H.* 6. *cap.* 16.

Codicil.

COdicil eſt le Volunt ou Teſtament d'un home touchant ceo que il voit aver d'eſtre fait apres ſon mort ſans l'nomination daſcun Executor. Ou autrement il eſt un additeon ou ſupplement adde al un Volunt ou Teſtament apres le fine de ceo, pur le ſupply daſcchoſe que le Teſtator ad oblie, ou pur ayder aſcun defect en le Teſtament. De ceo poyes lier pluis en *Swinbourne des Voluntz & Teſtaments. part* 1. *Sect.* 5. *num.* 2, 3, *&c.*

Cogniſance. Veies *Conuſance.*

Coigne.

Coigne eſt un parol collective, que contain en ceo tours manners del ſeveral ſtamps & portraitures de Nummer. Et ceſt eſt un des Royalx Prerogatives appendant a cheſcun Prince, que il ſolement en ſes terres demeſne poit order & diſpoſe le quantitie, & faſhions de ſon Coigne. Et coment que ceo eſt le nerve de tout merchandiſe & commerce, uncore le Coigne de un Roy n'eſt currant en les Royalms de un auter Roy communement, ſinon al grand perde.

Si home oblige luy meſme de render cent livers de loyal Coigne de *Angletere* a un auter, & al jour de payment aſcun de argent happa d'eſtre Coigne de *Eſpaigne* ou de *François*, ore l' Obligation eſt bien performe, ſi per Proclamation ils ſont faits currant Mony de *Angleterre*. Car le Roy per ſon abſolute Prerogative poit faire aſcun foreign Coigne loyal Coigne de *Angleterre* a ſon pleaſure per ſon Proclamation. En caſe ou home eſt de pay Rent a ſon Leſſor ſur condition de Re-entry, & le Leſſee paya le Rent a ſon Leſſor, & il ceo receive, & mitta ceo en ſon Burſe, & puis en reviewant de ceo a meſme le temps il troya que il ad receive aſcun counterfeit peeces, & ſur ceo il refuſe de emporter les Deniers, mes re-enter pur le Condition enfreint; ore ſon Entrie n'eſt loyal, car quand il ad accept les Deniers, ceo fuit a ſon peril, & puis ceſt

Coin.

Coin is a Word Collective, which contains in it all Manner of the ſeveral Stamps and Pourtraitures of Money. And this is one of the Royal Prerogatives belonging to every Prince, that he alone in his own Dominions may order and diſpoſe the Quantity, and Faſhions of his Coin. And though this is the Sinew of all Traffick and Commerce, yet the Coin of one King is not current in the Realms of another King, commonly, unleſs at great Loſs.

If a Man binds himſelf to pay an Hundred Pounds of lawful Money of England to another, and at the Day of Payment ſome of the Money chances to be Spaniſh or French Coin, there the Obligation is well performed, if thoſe Coins are by Proclamation made current Money of England: For the King by his abſolute Prerogative may make any foreign Coin lawful Money of England as his pleaſure by his Proclamation. In caſe where a Man is to pay Rent to his Leſſor upon Condition of re-entry, and the Leſſee pays the Rent to the Leſſor, and he receives it, and puts it into his Purſe, and afterwards upon Review of it at the ſame Time he finds that he had received ſome counterfeit Pieces, and thereupon refuſes to take away the Money, but re-enters for the Condition broken; there his Entry is not lawful, for when he had accepted the Money, this was at his Peril, and after this Allowance he

ſhall

ſhall not take Exception to any of it.

Collateral.

COllateral is that which comes in, or adheres to the Side of any Thing; as Collateral Aſſurance is that which is made over and beſide the Deed it ſelf: For example, if a Man covenants with another, and enters into Bond for the Performance, the Bond is called Collateral Aſſurance, becauſe it is external, and without the Nature and Eſſence of the Covenant. And Crompton, fol. 185. ſaith, That to be ſubject to feeding the King's Deer is collateral to the Soil within the Forest. In like Manner we may ſay, that the liberty to pitch Sheds or Standings for a Fair in the Soil of another Man is collateral to the Land. The private Woods of a Common Perſon within the Forest cannot be cut down without the King's Licenſe, for it is a Prerogative collateral to the Soil. Manw. part 1. pag. 66. Collateral Warranty, ſee tit. Warranty.

Collation.

COllation is properly the beſtowing of a Benefice by the Biſhop, that hath it in his own Gift or Patronage; and differs from Inſtitution in this, for that Inſtitution into a Benefice is performed by the Biſhop at the Motion and Preſentation of another, who is Patron of the ſame Church, or hath the Patron's Right for that Time: But Collation is uſed for Preſentation in 25 E. 3. Stat. 6. and there is a Writ

allowance il ne prendra exception al aſcun de eux.

Collateral.

Collateral eſt ceo que vient eins, ou adhere al later d'un choſe; come *Collateral Aſſurance* eſt ceo que eſt fait outter & preter le Fait meſme: Pur example, ſi home covenant ove un auter, & luy oblige pur le performance, le Obligation eſt appel *Collateral Aſſurance*, pur ceo que eſt external, & ſans le nature & eſſence del Covenant. Et *Crompton fol.* 185. dit, que d'eſtre ſubject al depaſturing des Dames le Roy eſt collateral al ſoyle deins le Foreſt. En meſme le manner poyomus nous dire, que liberty a pitcher Sheds ou Stalls pur un Faire en le ſoyle de un auter home eſt collateral al terre. Le private Bois de un common Perſon diens le Foreſt ne poit eſtre ſuccide ſans le Licence del Roy, car il eſt un Prerogative collateral al ſoyle. *Manw. pane* 1. *pag.* 66. Collateral Garrantie; veies *tit. Garrantie*.

Collation.

Collation eſt properment le Donation de un Benefice per l'Eveſque, que ceo ad en ſon Done ou Patronage demeſne; & differt de *Inſtitution* en ceo, pur ceo que Inſtitution en un Benefice eſt performe per l'Eveſque al Motion & Preſentation de un auter, que eſt Patron de meſme Egliſe, ou ad le droit del Patron pro hac vice: Uncore Collation eſt uſe pur Preſentation en 25 E. 3. *Stat.*

Stat. 6. & la eſt un Brief en le *Regiſt.* 31. *b.* appel *De Collatione facta uni poſt mortem alterius, &c.* direct al Juſtices del Common Bank, eux commandant a directer lour Brief al Eveſque, pur l' admittance de un Clerk en le lieu de un auter preſent per le Roy, que devant le Suit perenter le Roy & le Clerk del Eveſque, moruſt; car judgement un foits paſſe pur le Clerk le Roy, & il morant devant que il ſoit admit, le Roy poit done ſon Preſentation al auter.

Colluſion.

Colluſion eſt, lou un Action eſt port vers un auter per ſon agreement demeſne, ſi le Plaintiffe recover, tiel Recoverie eſt dit *per Colluſion.* Et en aſcun caſes le Colluſion ſerra inquire, come en un *Quare impedit*, & Aſſiſe, & tiels ſemblables, queux aſcun Corporation ou Corps politique port envers auter al entent de aver le Terre ou Advowſon dont le Brief eſt port en Mortmain. Mes en Avowrie, ne en aſcun Action perſonal, le Colluſion ne ſerra enquire. Veies le Statute de *Weſtmin.* 2. *c.* 32. que done le *Quale jus* & enquire en tiel caſe.

Colour.

Colour eſt un fained matter le quel le Defendant ou Tenant uſe en ſon barre quand un Action de Treſpaſſe ou un Aſſiſe eſt port envers luy, en le quel il done le Demandant ou Plaintiff un ſhew prima facie que il ad bone cauſe de Action, lou en veritie il n'eſt

in the Regiſt. 31. b. called De Collatione facta uni poſt mortem alterius, &c. directed to the Juſtices of the Common Pleas, commanding them to direct their Writ to the Biſhop, for the admitting a Clerk in the Place of another preſented by the King, who during the Suit between the King and the Biſhop's Clerk, deceaſed; for Judgment once paſſed for the King's Clerk, and he dying before he be admitted, the King may give his Preſentation to another.

Colluſion.

COlluſion is, where an Action is brought againſt another by his own Agreement, if the Plaintiff recover, then ſuch Recovery is called by Colluſion. And in ſome Caſes the Colluſion ſhall be enquired of, as in Quare impedit, and Aſſiſe, and ſuch like, which any Corporation or Body politick brings againſt another, to the Intent to have the Land or Advowſon whereof the Writ is brought in Mortmain. But in Avowry, nor in any Action perſonal, the Colluſion ſhall not be inquired. See the Statute of Weſtm. 2. c. 32. which gives the Quale jus and Enquiry in ſuch Caſes.

Colour.

COlour is a feigned Matter which the Defendant or Tenant uſes in his Bar when an Action of Treſpaſs or an Aſſiſe is brought againſt him, in which he gives the Demandant or Plaintiff a ſhew at firſt Sight that he hath good Cauſe of Action, where in truth

is

it is no juſt Cauſe, but only a Colour and Face of a Cauſe: And it is uſed to the Intent that the Determination of the Action ſhould be by the Judges, and not by an Ignorant Jury of twelve Men. And therefore a Colour ought to be a Matter in Law doubtful to the Common People. As for Example, A. brings an Aſſiſe of Land againſt B. and B. ſaith he himſelf did let the ſame Land to one C. for Term of Life, and afterward did grant the Reverſion to A. the Demandant, and after C. the Tenant for Term of Life died, after whoſe Deceaſe, A. the Demandant, claiming the Reverſion by Force of the Grant, whereof C. the Tenant for Life did never atturn) entred, upon whom B. entred, againſt whom A. for that Entry brings this Aſſiſe, &c. This is a good Colour, becauſe the Common People think the Land will paſs by the Grant without Atturnment, where indeed it will not paſs, &c.

Alſo in an Action of Treſpaſs Colour muſt be given, of which there are an infinite number, one for Example: In an Action of Treſpaſs for taking away the Plaintiff's Beaſts, the Defendant ſaith, That before the Plaintiff had any thing in them, he himſelf was ſeiſed of them as of his proper Goods, and delivered them to A. B. to deliver them to him again when, &c. and A. B. delivered them unto the Plaintiff, and the Plaintiff ſuppoſing the Property to be in A. B. at the Time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Ac-

juſt cauſe, mes tantſolement un Colour & Viſour de un cauſe: Et il eſt uſe al entent que le determination del Action doit eſtre per les Judges, & nemy per un ignorant Jurie de douze homes. Et pur ceo un *Colour* doit eſtre un matter en Ley difficult al lay Gentes. Come pur example, *A.* port un Aſſiſe de terre envers *B.* & *B.* dit que il meſme leſſe meſme le terre al un *C.* pur terme de vie, & aprer grant le Reverſion al *A.* le Demandant, & puis *C.* Tenant pur terme de vie moruſt, apres que deceaſe, *A.* le Demandant, claimant le Reverſion per force del Grant, (ou *C.* le Tenant pur vie ne unques attourne) entra, ſur que *B.* entra, envers que *A.* pur meſme entrie port ceſt Aſſiſe, &c. C'eſt un bone *Colour*, pur ceo que les lay Gentes penſant que le terre voile paſſe per le Grant ſans Atturnment, lou en fait il ne voile paſſe, &c.

Auxy en un Action de Treſpaſſe *Colour* doit eſtre done, & deux ſont un infinite number, un pur Example: En un Action de Treſpaſs pur priſe de Avers del Plaintiff, le Defendant dit, que devant le Plaintiff riens avoit en eux, il meſme fuit poſſeſſe de eux come de ſes proper Biens, & eux deliver al *A. B.* pur eux rebailer a luy quando, &c. & *A. B.* eux dona al Plaintiff, & le Plaintiff ſuppoſant le property d'eſtre en *A. B.* al temps del done, priſt eux, & le Defendant eux repriſt del Plaintiff, ſur que le Plaintiff port le Action: Ceſt un bone *Colour*

lour, & un bon Plea. Veies de ceo plus en *Doctor & Student*, *l.* 2. *c.* 13.

Colour est pur ceo cause, viz. lou le Defendant justifie per title en Transgress ou Assise, sib ne done le Plaintiff *Colour*, v son plea amount tanque al general issue, car si le Defendant ad title il n'est culpable. 1 *Co.* 79, 108.

Colour de Office.

Colour de Office est touts foits prist in malam partem & signifie un act malement fait per le countenance de un Office, & il port un dissimulant visage del droit del Office, lou le Office n'est que vaile del fauxitie, & le chose est ground sur vice & le Office est come un shadow a ceo. *Mes ratione Officii, & virtute Officii*, sont prises touts foits in bonam partem, & lou le Office est le just cause del chose, & le chose est pursuant al Office. *Plo.* en *Dive & Man. Case*, *fo.* 64. *a.*

Combat.

Combat, en nostre antique Ley, estoit un formal Trial de un ambigieux Case ou Controversie per l'Ense ou Bastons de deux Champions. Veies *Glanvile*, *l.* 14. *c.* 1. *Britton*, *c.* 22. & *Dyer*, *fo.* 301. *num.* 41. Le darrein Tryal per Combat en *Engleterre* fuit *An.* 6. *Car.* 1. perenter *Donald* Seign^r *Rey*, Appellant, & *David Ramsey* Escuyer, Defendant, ambideux *Escossois*, & apres plusors Formalitez le Matter fuit refer al volunt & Plaisir le Roy.

tion: That is a good Colour, and a good Plea. See more hereof in Doctor and Student, l. 2. c. 13.

Colour is for this Cause, viz. where the Defendant justifies by title in Trespass or Assise, if he do not give the Plaintiff Colour, his Plea amounteth only to Not guilty, for if the Defendant hath Title he is not guilty, 1 Co. 79, 108.

Colour of Office.

Colour of Office is always taken in the worst Part, and signifies an Act evilly done by the Countenance of an Office, and it bears a dissembling Face of the Right of the Office, whereas the Office is but a Veil to the Falshood, and the Thing is grounded upon Vice, and the Office is as a Shadow to it. But by Reason of the Office, and by Virtue of the Office, are taken always in the best Part, and where the Office is the just Cause of the Thing, and the Thing is pursuing the Office. Plo. in Dive & Man. Case, f. 64. a.

Combat.

Combat, in our ancient Law was a formal Trial of a doubtful Cause or Quarrel by the Swords or Bastons of two Champions. See Glanvile, l. 14. c. 1. Britton, c. 22. and Dyer, fo. 301. num. 41. The last Tryal by Combat in England was Anno 6 Car. 1. between Donald Lord Appellant, and David Ramsey, Esquire Defendant, both Scotchmen, but after many Formalities the Matter was referred to the King's Will and Pleasure.

Commandment.

COmmandment is taken in divers Significations: ſometimes for the Commandment of the King, when by his meer Motion, and from his own Mouth, he caſts any Man into Priſon. Staundf. Plac. Coron. fol. 72. or of the Juſtices: And this Commandment of the Juſtices is either abſolute or ordinary. Abſolute, as when upon their own Authority, or Wiſdom and Diſcretion, they commit any Man to Priſon or a Puniſhment. Ordinary is, when they commit one rather to be ſafely kept than for Puniſhment; and a Man committed by ſuch ordinary Commandment is bailable. Placit. Cor. fol. 73. Commandment is alſo uſed for the Offence of him that wills another Man to tranſgreſs the Law, or to do any ſuch thing as is contrary to the Law, as Murther, Theft, or ſuch like. Bracton l. 3. tract. 2. cap. 19. The Civilians call this Commandment, Angelus de maleficiis.

Commandrie.

COmmandrie was the Name of a Manor or chief Meſſuage, with which Lands or Tenements were uſed, belonging to the late Priory of S. John of Jeruſalem, until they were given to King Henry the eighth by Statute made in the 32 Year of his Reign. And he who had the Government of any ſuch Manor or Houſe was called the Commander, who had nothing to do to diſpoſe of it, but to the Uſe of the Priory, and to have only his Suſtenance

Commandment.

COmmandment eſt priſe en divers ſignifications: aſcunfoits pur le Commandment le Roy, quand per ſon mere Motion & de ſon Bouche demeſne il jette aſcun home en Priſon, *Staundf. Plac. Cor. fol.* 72. ou des Juſtices: Et ceo Commandment des Juſtices eſt ou Abſolute, ou Ordinarie. *Abſolute*, ſicome quand ſur lour authoritie demeſne, ou lour ſapience & prudence, ils committont aſcun home a Priſon pur un puniſhment. *Ordinarie* eſt, quand ils committont un pluis deſtre ſafement gard, que pur puniſhment; & home comit per tiel ordinarie Commandment eſt mainpernable, *Placit. Cor fol.* 73. Commandment eſt uſe arere pur l'Offence de celuy que command auter home de tranſgreſſer le Ley, ou de faire aſc' tiel choſe que eſt encounter le Ley, come Murder, Larcenie, ou tiel ſemblables. *Bract. l.* 3. *tract.* 2. *c.* 19. Les Civilians appel ceſt Commandment, *Angelus de maleficiis.*

Commandrie.

COmmandrie fuit le noſme dun Manor ou chief Meſſuage, ove que Terres ou Tenements fueront occupies perteignont al Priorie de *S Johan de Jeruſalem*, tanque fueront done al Roy *Henry* le huiſt per Statute fait en l'an. 32 de ſon reign. Et ceſtuy que avoit le Government de aſc' tiel Manor ou Meſſuage fuit appel le *Commander*, que navoit rien a faire on diſpoſer de ceo, forſque al uſe del Priorie, & daver ſolement ſon ſuſtenance

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de ceo solonque son degree, que fuit usualment un Frere de mesme le Priorie, que eust este fait Chivaler en les guerres encount' Infidels: & fueront jades appel Knights de le *Rhodes*, ou Knights de *Malta*, des lieus lou leur grand Master inhabite. Veies le dit Statute, & le Statute entituled *De Templariis*, le decay des queux fuit grand encrease de cel Order. Et plusors de ceux Commandries sont en le Pais nosmes le *Temple*.

Commendam.

Commendam est un Benefice que esteant void, est commend al care de ascun sufficient Clerk, destre supplie jesque il poit estre convenient provide de un Pastor. Et le voyer original de ceux *Commendams* fuit ou pur cause de evident utilitie ou necessitie. Cestuy a quel l'Esglise est commend ad les fruits & profits de ceo solement per un certain temps, & le nature del Esglise nest alter per ceo, mes est sicome un chose deposite en les maines de cestuy a que il est commend, que nad forsque le Custody de ceo, que poit estre revoke.

Commissary.

Commissary est un nosme de Eccleasiastical Jurisdiction, apperteinant a cestuy que exercise Jurisdiction Spiritual en lieus del Dioceese de cy grand distance del principal City, que le Chancellor ne poit appeller les Subjects al chief Consistorie del Eveseque sans lour grand molestation. Cest Commissarie est appel per les

from it according to his Degree, which was usually a Brother of the same Priory, who had been made a Knight in the Wars against Infidels; and they were lately called Knights of the Rhodes, or Knights of Malta, of the Places where their grand Master did dwell. See the said Statute, and the old Statute intituled De Templariis, whose Decay was a great Increase of this Order. And many of their Commandries are called in the Country by the Name of Temple.

Commendam.

Commendam is a Benefice that being void, is commended to the Care of some sufficient Clerk, to be supplied until it may be conveniently provided of a Pastor. And the true original of these Commendams was either evident Profit or Necessity. He to whom the Church is commended hath the Fruits and Profits thereof only for a certain Time, and the Nature of the Church is not changed thereby, but it is a thing deposited in the Hands of him to whom it is commended, who hath nothing but the Custody thereof, which may be revoked.

Commissary.

Commissary is a Title of Ecclesiastical Jurisdiction, appertaining to him that exercises spiritual Jurisdiction in Places of the Dioceses so far distant from the chief City, that the Chancellor cannot call the Subjects to the Bishop's principal Consistory without great Trouble. This Commissary is called by the Canonists

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Commiſſary, oꝛ Officialis foraneus; and is oꝛdained to this ſpecial End, that he ſhould ſupply the Office and Juriſdiction of the Biſhop in the Out-places of the Dioceſs, oꝛ in ſuch Pariſhes as are Peculiars to the Biſhop, and exempted from the Archdeacon's Juriſdiction, foꝛ where by Preſcription oꝛ by Compoſition, are Archdeacons, who have Juriſdiction in their Archdeaconries, as in moſt Places they have, there this Commiſſary is ſuperfluous, and rather to the Prejudice than Good of the People.

Commiſſion.

COmmiſſion is as much in the Common Law as the Woꝛd Delegate in the Civil, and is taken foꝛ the Warrant oꝛ Letters Patents which all Men, having Juriſdiction, either oꝛdinary oꝛ extraoꝛdinary, have foꝛ their Power to hear oꝛ determine any Matter oꝛ Action. Yet this Woꝛd ſometimes extends moꝛe largely than to Matters of Judgment; as the Commiſſion of Purveyoꝛs oꝛ Takers, 11 H. 4. cap. 28. But with this Epithere High, it is moſt commonly uſed foꝛ the High-Commiſſion Court, inſtituted and founded upon the Stat. of 1 Eliz. c. 1. foꝛ the reuniting and reforming of all Offences in any thing appertaining to the Juriſdiction Eccleſiaſtical, but eſpecially ſuch as are of higheſt Nature, oꝛ at leaſt require greater Puniſhment than the oꝛdinary Juriſdiction can afford. See the Statutes 17 Car. 1. c. 11. and 12 Car. 2. c. 12. by which the ſaid Court is wholly aboliſhed.

Canoniſts *Commiſſarius*, ou *Officialis foraneus*; & eſt ordeigne a cel ſpecial fine, que il executera l'Office & Juriſdiction del Eveſque en les Boundaries del Dioceſs, ou en tiels Paroches que ſont peculiars al Eveſque, & exempt del Juriſdiction del Archdeacon: car ou per preſcription, ou per compoſition, la ſont Archdeacons que ont Juriſdiction en lour Archdeaconries, ſicome en pluſors lieus ils ont, la ceſt Commiſſarie eſt ſuperfluous, & pluis al detriment quel al bone des gens.

Commiſſion.

COmmiſſion eſt tant en le Common Ley come le parol *Delegate* en l'Civil, & eſt priſe pur le Garrant ou Letters Patents que touts homes, ayant juriſdiction, ou ordinarie ou extraordinarie, ont pur lour poyar de oyer ou termine aſcun cauſe ou action. Uncore ceſt parol eſt aſcun foits extend plus largement que al choſes de Judicature; ſicome le Commiſſion de Purveyors ou *Priſors*, 11 *H.* 4. *cap.* 28. Mes ove ceſt Epithere *Alt*, il eſt pluis communement uſe pur le Alt-Commiſſion Court, inſtitute & foundue ſur le Stat. de 1 *El.* *c.* 1. pur l'ordinance & reformations de touts Offences en aſcun choſe appertinent al Juriſdiction Eccleſiaſtical, mes eſpecialment tiels que ſont de pluis alt nature, ou al meins require pluis grand puniſhment que ordinarie Juriſdiction poit afford. Veies les Stat. 17 *Car.* 1. *c.* 11. & 12 *Car* 2. *c.* 12. per quel l'avant dit Court eſt tout abolie.

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Commission de Rebellion.

COmmission *de Rebellion*, autrement appel *un Brief de Rebellion*, est use quand un home apres Proclamation fait per le Viscount, sur un Order ou Process del Chancerie, south penalty de son Allegeance a presenter luy mesme al Court per un jour certain, ne appiert pas. Et ceste Commission est direct per voy de command al certain persons, a fine que ils, ou trois, deux, ou un de eux, apprehendont ou causont destre apprehend le partie, come un Rebel & Contemner de Leys le Roy, en quelcunque lieu que ils luy troveront deins le Royalme, & de presenter luy ou luy cause destre present al Court sur un jour en ceo assigne.

Committee.

COmmittee est cestuy ou ils a que le consideration ou ordinance de ascun chose est refer, ou per ascun Court, ou consent des parties a que il appertient; sicome en Parlment un Bill esteant lie, est ou admit & pas, ou denie, ou refer al consideration de ascun certein homes appoint per le Meason, les queux sur ceo sont appelles un *Committee*. Mes ceste parol est autrement use per *Kitchin, fol.* 160. ou le Relict del Tenant le Roy est appel le *Committee le Roy*, ceste a scavoir, un commise per l'ancient Ley del Terre al care & protection le Roy.

Commission of Rebellion.

COmmission of Rebellion, otherwise called a Writ of Rebellion, is used when a Man after Proclamation made by the Sheriff upon an Order or Process out of the Chancery, under Penalty of his Allegiance to present himself to the Court by a Day certain appears not. And this Commission is directed by way of Command to certain Persons to the End they, three, two, or one of them, shall apprehend or cause to be apprehended the Party, as a Rebel and Contemner of the King's Laws in what Place soever they shall find him within the Kingdom, and bring or cause him to be brought to the Court upon the Day therein assigned.

Committee.

COmmittee is he or they to whom the Consideration or ordering of any Matter is referred, either by some Court, or Consent of the Parties to whom it appertains; as in Parliament a Bill being read, is either consented unto and passed, or denied, or referred to the Consideration of some certain Men appointed by the House, and hereupon are called a Committee. But this Word is otherwise used by Kitchin, fol. where the Widow of the King's Tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land to the King's Care and Protection.

Common.

COmmon is the Right that a Man hath to put his Beasts to Pasture, or to use the Ground that is not his own.

And note that there are divers Commons, that is, Common in gross, Common appendant, Common appurteuant, and Common because of Neighbourhood.

Common in gross is, where I, by my Deed, grant to another that he shall have Common in my Land.

Common appendant is, where a Man is seised of certain Land, to which he hath Common in another's Ground, only for those Beasts which compost the Land to which it is appendant, excepting Geese, Goats, and Hogs; which Common is by Prescription, and of common Right, and appendant to arable Land only.

Common appurtenant is of the same Nature with Common appendant; but with all Manner of Beasts, as well Hogs and Goats, as Horses, Kine, and such as compost the Ground. And this Common may be made at this Day, and severed from the Land to which it is appurtenant, but so cannot Common appendant.

Common because of Neighbourhood is, where the Tenants of two Lords are seised of two Manors adjoining to each other; and the Tenants have Time out of Mind intercommoned each with other with all manner of Beasts commonable.

Common.

COmmon est le droit que home ad de mitter ses Beasts a Pasture, ou de user le Terre que nest son proper soile.

Et nota que sont divers Commons, cest adire, *Common en grosse*, *Common appendant*, *Common appurtenant*, & *Common pur cause de vicinage*.

Common en grosse est, lou jeo, per mon Fait, grant a un auter que il avera Common en ma terre.

Common appendant est, lou home est seisie de certaine terre, a que il ad Common en auter soile, solement pur ceux Beasts que compost la Terre a que il est appendant, except Oysons, Chivers, & Porceaux; quel Common est per prescription, & de common droit, & il est appendant al terre arable solement.

Common appurtenant est de mesme nature ove Common appendant; mes est ovesque touts manners des Avers, cybien Porceaux & Chivers, come Chivals, Vaches, & tiels que compost le terre. Et tiel Common poit estre fait a ceo jour, & sever del Terre a que il est appurtenant, mes issint ne poit Common appendant.

Common pur cause de Vicinage est, lou les Tenants de deux Seigniors sont seisies de deux Seigniories d'ont l'un gist pres l'auter; & chescun de eux ont use de temps d'ont memorie ne courre de aver Common en auter Ville ovesque touts Beasts commonable.

Mes l'un ne poit mitter ſes Avers en le terre l'auter, car la ceux de l'auter Ville poient eux diſtraine Dammage feaſant, ou aver Action de Treſpaſſe: mes il eux mittera en lour camps demeſne, & ſi ils eſtray en les camps del auter Ville, ils doient eux ſufferer. Et les Inhabitants de lun Ville ne poient mitter eins Beaſts tants come ils voile, mes ayant regard al Franktenement del Inhabitants de le auter, car autrement il ne ſerroit bone Vicinity, ſur que tout depend.

Yet the one may not put his Cattel in the other's Ground, for ſo they of the other Town may diſtrain them Damage feſant, or have an Action of Treſpaſs: but they may put them into their own Fields, and if they ſtray into the Fields of the other Town, there they ought to ſuffer them. And the Inhabitants of the one Town ought not to put in as many Beaſts as they will, but with Regard to the Freehold of the Inhabitants of the other, for otherwiſe it were no good Neighbourhood, upon which all this depends.

Common Jour en Plee de Terre.

COmmon Jour en Plee de Terre, *Anno* 13. *R.* 2 *Stat.* 1. *cap.* 17. ſignifie un ordinarie Jour en le Court, come *Octabis Michaelis, Quindena Paſchæ, &c.* come poies veier en le Statute 51 *H.* 3. concernant general jours en le Bank.

Common Day in Plea of Land.

COmmon Day in Plea of Land, Anno 13. R. 2. Stat. 1. cap. 17. ſignifies an ordinary Day in the Court, as Octabis Michaelis, Quindena Paſchæ, &c. as you may ſee in the Statute 51 H. 3. concerning general Days in the Bench.

Common Fine.

COmmon *Fine* eſt un certain ſume des deniers que les Reſiants deins un Leet payont al Seign' del Leet; & eſt appel en aſcuns lieus *Capitagium* vel *Capitale argentum*, en aſcuns lieus *Certum Letæ*, & ſuit al primes (come ſemble) grant al Seign' vers le charge de ſon purchaſe del Leet, per que les Reſiants avoyent ore un aiſe pur faire lour Suit royal deins l'Manor, & nemy deſtre compells d'aler al Tourne le Viſcount de faire ceo. Et pur ceſt Common Fine le Seignior doit preſcriber, & ne

Common Fine.

COmmon Fine is a certain Sum of Money which the Reſiants in a Leet pay unto the Lord of the Leet; and it is called in ſome Places Head-ſilver, in ſome Places Certum Letæ, and was (as it ſeems) firſt granted to the Lord towards the Charge of his Purchaſe of the Leet, whereby the Reſiants had now an Eaſe to do their Suit royal within the Manor, and not be compelled to go to the Sheriff's Tourn to do it. And for this Common Fine the Lord muſt preſcribe, and cannot diſtrain for it

it without Preſcription, as it appears in Godfrey's Caſe, 11 Rep. fol. 44. b.

Common Intendment.

COmmon Intendment is as much as to ſay Common Meaning: So a Bar to Common Intendment is an ordinary or general Bar to the Plaintiff's Declaration, Of Common Intendment a Will ſhall not be ſaid to be made by Colluſion. Co. Litt. fol. 78. b. See Intendment.

Common Law.

COmmon Law is for the moſt part taken three Ways. Firſt, For the Laws of this Realm ſimply, without any other Law, as Cuſtomary, Civil, Spiritual, or whatever other Law joined to it; as when it is diſputed in our Laws of England, what ought of Right to be determined by the Common Law, and what by the Spiritual Law, or Admiral's Court, or ſuch like.

Secondly, It is taken for the King's Courts, as the King's Bench, or Common Place, only to ſhew a Difference between them and baſe Courts; as Cuſtomary-Courts, Court-Barons, County-Courts, Piepowders, and ſuch like: As when a Plea of Land is removed out of ancient Demeſne, becauſe the Land is Frank-fee, and pleadable at the Common Law, that is to ſay, in the King's Court, and not in ancient Demeſne, or in any other baſe Court.

poit diſtrein pur ceo ſans Preſcription, come appiert en *Godfrey's Caſe*, en 11 *Rep. fol.* 44. *b.*

Common Intendment.

COmmun Intendment eſt tant a dire come Common Meaning. Iſſint *un Barr al Commun Intendment* eſt un ordinarie ou general Bar al Declaration le Plaintiff. Per *Commun Intendment* un Volunte ne ſerra dit d'eſtre fait per Colluſion. *Co. Lit. fol.* 78. *b.* Veies *Intendment.*

Common Ley.

COmmon Ley eſt pur le pluis part priſe trois voies. Primerment, pur les Leyes de ceſt Realme ſimply, ſans aſcun auter Ley, come Cuſtomarie, Civil, Spiritual, ou quecunque auter Ley joyne a ceo; come quand eſt diſpute en noſtre Leyes de *Engleterre*, quid doit de droit eſtre determine per le Common Ley, & quid per Spiritual Ley, ou le Court del Admiral, ou tielx ſemblables.

Secundariment, il eſt pris pur les Courts le Roy, come le Bank le Roy, ou Common Place, tantſolement pur monſtre un difference perenter eux & les Baſe Courts; come Cuſtomary Courts, Court-Barons, County-Courts, Piepowders, & tielx ſemblables: Come quand un Plee de terre eſt remove hors de ancient Demeſne, pur ceo que le terre eſt Frank-fee, & pleadable al Common Ley, c'eſt a dire, en le Court le Roy, & nemy, en ancient Demeſne, ou en aſcun auter baſe Court.

Tiercement, & pluis uſualment, per *Common Ley* eſt entendue tielx Leyes que fueront generalment priſe & tenus pur Ley devant que aſcun Statute fuit fait pur alter ceo: Come pur Example, Tenant pur vie, ne pur ans, ne fueront d'eſtre puniſh pur feſans Waſte al Common Ley, tanque le Statute de *Glouceſter*, *cap* 5. le quel dome un Action de Waſt envers eux. Mes Tenant per le curteſie & Tenant en dower fueront puniſhable pur Waſt al Common Ley,, c'eſt a dire, per le uſual & common received Leys le Realm, devant le dit Statute fuit fait.

Thirdly, and moſt uſually, by Common Law is underſtood ſuch Laws as were generally taken and holden for Law before any Statute was made to alter the ſame: For Example, Tenant for Life, nor for Years, were not to be puniſhed for doing Waſte at the Common Law, till the Statute of Glouceſter, cap. 5. which gives an Action of Waſte againſt them. But Tenant by the Curteſie and Tenant in Dower were puniſhable for Waſte at the Common Law, that is, by the uſual and common received Laws of the Realm, before the ſaid Statute was made.

Common Plees.

COmmon *Plees* eſt le Court le Roy jammes tenus en le Sale de *Weſtminſter*, mes en ancient temps moveable, ſicome appiert per *Mag. Chart. cap.* 11.

Mes *Gwyn*, en le Preface a ſon Lecture, dit, Que jeſque le temps que *Henry* le tierce grant le Grand Charter, la fueront forſque deux Courts ſolement appel les Courts le Roy, de que un fuit l'Eſchequer, & l'auter le Banke le Roy, quel fuit appel auxy *Aula Regia*, pur ceo que el enſue le Court; & que ſur le grant de cel Charter le Court de Common Plees fuit erect & ſettle en un lieu certain, *viz.* al *Weſtminſter*; & pur ceo touts les Briefs fueront faits ove ceſt Returne, *Quod ſit coram Juſticiariis meis apud Weſtmonaſterium*, ou devant le party fuit command per eux de appearer *coram Me vel Juſticiariis meis*, ſans aſcun

Common Pleas.

COmmon Pleas is the King's Court now held in Weſtminſter-Hall, but in ancient Time moveable, as appears by Mag. Chart. cap. 11.

But Gwyn, in the Preface to his Reading, ſaith, That until the Time that Henry the 3d granted the Great Charter, there were but two Courts, only called the King's Courts, the Exchequer, and King's Bench, which was called Aula Regia, becauſe it followed the Court; and that upon the grant of that Charter, the Court of Common Pleas was erected and ſettled in a Place certain, viz. at Weſtminſter; and therefore all the Writs were made with this Return, Quod ſit coram Juſticiariis meis apud Weſtmonaſterium, where before the Party was commanded by them to appear coram Me vel Juſticiariis

riis meis, without any Addition of any Place certain.

All Civil Cauſes, as well Real as Perſonal, are, or were in ancient Time, tried in this Court, according to the ſtrict Law of the Kingdom: And by Forteſcue, cap. 50. it ſeems to have been the only Court for real Cauſes. The Chief Judge thereof is called The Lord Chief Juſtice of the Common Pleas, accompanied with three or four Aſſiſtants or Aſſociates, who are created by the King's Letters Patents, and as it were inſtalled or placed upon the Bench by the Lord Chancellor and Lord Chief Juſtice of the Court, as appears by Forteſcue cap. 51. who expreſſes all the Circumſtances of this Admiſſion.

The reſt of the Officers appertaining to this Court are theſe: The Cuſtos Brevium, three Prothonotaries, Chirographer, fourteen Philaſers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, Clerk of the Treaſury, Clerk of the King's Silver, Clerk of the Eſſoins, Clerk of the Outlawries.

Commotes.

COmmotes ſeems to be a compound Word of the Preſoſition Con, and Motte, that is, Dictio, Verbum, and ſignifies in Wales part of a County or Hundred, Anno 28 H. 8. cap. 3. It is written Commoithies, Anno 4 H. 4. cap. 17. and is uſed for a Gathering made upon the People of this or that Hundred by Welſh Minſtrels.

addition de aſcun lieu certein.

Touts civil Cauſes, cybien Real come Perſoual, ſont, ou fueront en ancient temps, trye en ceſt Court, accordant al ſtrict Ley del Royalme: Et per *Forteſcue cap.* 50. il ſemble daver eſte le ſole Court pur Real Cauſes. Le primer Judge de ceo eſt appelle *Seigniour Chiefe Juſtice del Common Plees*, accompany ove trois ou quater Aſſiſtants ou Aſſociates, que ſont create per Letters Patents del Roy, & ſicome fuit enſtalle ou place ſur le Bank per le Seigniour Chancellor & le Seigniour Chiefe Juſtice del Court, come appiert per *Forteſcue, cap.* 51. que expreſſe touts les circumſtances de cel Admiſſion.

Le reſidue des Officers appertinant a cel Court ſont ceux; Le *Cuſtos Brevium*, trois Prothonotaries, Chirographer, dixe quarer Philaſers, quater Exigenters, Clerk des Garrants, Clerk des Juries, Clerk del Treaſury, Clerk de Argent le Roy, Clerk des Eſſoines, Clerk des Utlagaries.

Commotes.

COmmotes ſemble d'eſtre un parol compoſit del Prepoſition *Con*, & *Motte* i. e. *Dictio, Verbum*, & ſignifie en *Gales* le part d'un Countie ou Hundred, *Anno* 28 *H.* 8. *cap* 3. Il eſt eſcrie *Commoithies, Anno* 4 *H.* 4. *cap.* 17. & eſt uſe pur un Collection fait ſur les Gents de ceo ou ceſt Hundred per Minſtrels de *Gales*.

Communi Custodia.

COmmuni *Custodia* est un Briefe que gisoit pur cel Seigniour, le Tenant de quel tiendrant per service de Chivaler morust, son eigne fits deins age, envers un estranger, que enter le terre, & obtaine le Gard del Corps. Il semble de prender le nosme del common Custome ou droit en ceo case, que est, Que le Seigniour avera le Gard de son Tenant jesque son plein age; ou pur ceo, que est common pur recoverie del Terre & Tenant, come appiert per le forme de ceo. *Veil Nat. Brev.* 89. *Regist. Orig.* 161.

Communi Custodia.

COmmuni Custodia is a Writ which did lie for that Lord whose Tenant holding by Knight's Service dies, his eldest Son within Age, against a Stranger who entred the Land, and obtained the Ward of the Body. It seems to take Name from the Common Custom or Right in this Case, which is, That the Lord shall have the Wardship of his Tenant until his full Age; or because that it is Common for the Recovery both of the Land and Tenant, as appears by the Form thereof. Old Nat. Brev. 89. Regist. Orig. 161.

Compromise.

COmpromise est un mutual Promise de deux ou plusors parties que sont al controversie, pur submitter eux mesmes & touts differences enter eux al Agard, Arbitrement, ou Judgment del un ou plusors Arbitrators, enter eux indifferentment eslieus, pur determiner & adjudger des touts matters referres, & sur que les parties differont.

Compromise.

COmpromise is a mutual Promise of two or more Parties that are at Controversie, to submit themselves and all Differences between them unto the Award, Arbitrement, or Judgment of one or more Arbitrators, indifferently chosen between them, to determine and adjudge upon all Matters referred, and upon which the Parties differ.

Computation.

COmputation est use en le Common Ley pur le voyer & indifferent Construction de temps, issint que ne le un partie ferra tort al auter, ne le determination de temps referre a large, deste prise un voy ou auter, mes compute accordant al droiturel censure de la Ley.

Computation.

COmputation is used in the Common Law for the true and indifferent Construction of Time, so that neither the one Party shall do wrong to the other, nor the Determination of Times referred at Large, be taken one way or other, but computed according to the just Censure of the Law.

If

As if Indentures of Demiſe are ingroſſed, bearing Date the eleventh Day of May, 1663. to have and to hold the Land in S. for three Years from henceforth, and the Indentures are delivered the fourth Day of June in the Year aforeſaid: In this Caſe, from henceforth, ſhall be accounted from the Day of the Delivery of the Indentures, and not by any Computation from the Date. And if the ſaid Indenture be delivered at Four of the Clock in the Afternoon of the ſaid fourth Day, this Leaſe ſhall end the third Day of June in the third Year; for the Law in this Computation rejects all Fractions or Diviſions of the Day, for the Incertainty, which always in the Mother of Contention. So where the Statute of Inrollments made Anno 27 Hen. 8. cap 16. is, That the Writings ſhall be inrolled within ſix Months after the Date of the ſame Writings indented; if ſuch Writings have Date, the ſix Months ſhall be accounted from the Date, and not from the Delivery; but if they want Date, then it ſhall be accounted from the Delivery. Coke lib. 5. fol. 1.

If any Deed be ſhewed to the Court at Weſtminſter, the ſame by Judgment of the Law ſhall remain in Court all the Term in which it is ſhewed; for all the Term in Law but one Day. Coke, lib. 5. fol. 74.

If a Church be void, and the true Patron doth not preſent within ſix Months, then the Bishop of the Dioceſs may collate his Chaplain: But theſe

Come ſi Indentures de Demiſe ſont ingroſſe, portant date le unſiene jour de *May*, 1663. de aver & tener le terre en *S.* pur trois ans de ceſt temps, & les Indentures ſont deliver le quart jour de *June* en le an avant dit: En ceſt caſe, *de ceſt temps*, ſerra account del jour del Deliverie des Indentures, & nemy per aſcun computation del Date. Et ſi le dit Indenture ſoit deliver al quart de la horologe puis meridie le dit quart jour, ceſt Leas finiera le tierce jour de *June* en le tierce an; car la Ley en ceſt Computation reject touts fractions ou diviſions del jour, pur le incertainty, que touts foits eſt le mere de Contention. Iſſint ou le Statute de Enrolments fait *Anno* 27 *H.* 8. *cap.* 16. eſt, Que les Eſcripts ſerront inrolle deins ſize moyes apres le Date de meſme les Eſcripts indent, ſi tiels Eſcripts ont Date, les ſize moyes ſerront account del Date, & nemy del Deliverie: Mes ſi fault Date, donque il ſerra account del Deliverie. *Coke, lib.* 5. *fol.* 1.

Si aſcun Fait eſt monſtre a un Court al *Weſtminſter*, le Fait per Judgment del Ley remain en Court tout le Terme en que ceo eſt monſtre; car tout le Terme en Ley n'eſt que un jour. *Coke, lib.* 5. *f.* 74.

Si un Eſgliſe happa void & le veray Patron ne preſenta deins ſize moyes, donques le Eveſque del Dioceſs puit collate ſon Chaplein: Mes

ceux ſize Moyes ne ſerra account accordant al vint huit Jours al Moyes, mes accordant al Kalendar. Et la eſt grand diverſitie en noſtre common parlance en le ſingular numbre; come un *Twelve-month*, que include tout l'An ſolonque le Kalendar, & *Twelve Month*, que ſerra compute ſolonque vint huict jours a cheſcun Moyes. Veies *Coke, lib. 6. fol. 61. b.*

ſix Months ſhall not be computed according to twenty eight Days to the Month, but according to the Kalendar. And there is great Diverſity in our Common Speech in the ſingular Number, as a Twelve-month, which includes all the Year, according to the Kalendar, and Twelve Months, which ſhall be computed according to twenty eight Days to every Month, See Coke, lib. 6. fol. 61. b.

Computo.

COmputo eſt un Brief iſſint appel del effect, pur ceo que il enforce un Bailiffe, Chamberlain, ou Receiver, a render ſon Account. *Viel Nat. Brev. fol* 58. Il eſt foundue ſur le Statute de *Weſt. 2. c. 2.* le quel pour voſtre mieux intelligence vous poyes lier. Et il auxy giſt pur Executors de Executors. *15 Edw. 3. Stat. de Proviſ Victual cap.* 5. Tiercement, envers le Gardein en Socage, pur Waſt fait en le minority del Heire, *Marlb. cap.* 17. Et veies pluis en queux auters caſes il giſt, *Reg. Orig. fol.* 135. *Viel Nat. Brev f.* 58. *& Fitz. Nat. Brev. fol.* 116.

Computo.

COmputo is a Writ ſo called of the Effect, becauſe it compels a Bailiff, Chamberlain, or Receiver, to yield his Account, Old Nat. Brev. fol. 58. It is founded upon the Statute of Weſt. 2. cap. 2. which you may for your better underſtanding read. And it alſo lies for Executors of Executors. 15 Ed. 3. Stat. de Proviſ. Victual. cap. 5. Thirdly, againſt the Guardian in Socage, for Waſte made in the Minority of the Heir, Marlb. cap. 17. And for farther in what other Caſes it lies, Reg. Orig. fol. 135. Old Nat. Brev. fol. 58. & Fitz. Nat. Brev. fol. 116.

Concealers.

COncealers ſont tiels que trovont terres conceal, ceo eſt, tiels terres que ſont privi-ment deteine del Roy per common Perſons, ne ayant pas aſcun choſe de monſtre pur eux, *Anno* 39 *El. c.* 22. Ils ſont iſſint appel *a concelando* come *Mort a movendo*, per Antiphraſin.

Concealers.

COncealers are ſuch as find out Lands concealed, that is, ſuch Lands as are ſecretly detained from the King by common Perſons, having nothing to ſhew for them, Anno 39 Eliz. cap. 22. They are ſo called a concelando, as Mors movendo, by Antiphraſis.

Co

Concluſion.

COncluſion is, when a Man by his own Act upon Record hath charged himſelf with a Duty or other Thing: As if a Free-man confeſs himſelf to be the Villain of A. upon Record, and afterward A. takes his Goods, he ſhall be concluded to ſay in any Action or Plea afterwards that he is free, by Reaſon of his own Confeſſion. So if the Sheriff, upon a Capias to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return, he ſhall be amerced: And if it were upon a Capias ad ſatisfaciend', the Plaintiff may have his Action againſt the Sheriff for the Eſcape; for by ſuch Return, the Sheriff hath concluded himſelf.

And this Word Concluſion is taken in another Senſe, as for the End or latter Part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the Concluſion of his Plea ſhall be, And this he is ready to affirm. If in Dower the Tenant pleads, that he was never ſeiſed ſo as to render Dower, the Concluſion ſhall be, And upon this he puts himſelf upon the Country. And in what Manner the Concluſion ſhall be according to the Nature of ſeveral Actions, ſee Litch. f. 219, 220, &c.

Concord.

COncord is defined to be the very Agreement between Parties that intend the levying a Fine of Lands one to another, how and in what

Concluſion.

C*Onclufion* eſt, quand home per ſon fait demeſne ſur record ad charge luy meſme ove aſcun Duty ou auter choſe: Come ſi home que eſt Frank confeſſe luy meſme d'eſtre Villain de *A.* ſur record, & apres *A.* priſt ſes biens, il ſerra conclude a dire en aſcun Action ou Plee en apres que il eſt Frank, per Reaſon de ſon confeſſion demeſne. Iſſint ſi le Viſcount, ſur un *Capias* a luy direct, return quod *Capit Corpus*, & uncore nad le corps en Court al jour del Retorn, il ſerra amercie: Et ſil fuit ſur un *Capias ad ſatisfaciend'*. le Plaintiff poet aver ſon Action envers le Viſcount pur le Eſcape; car per tiel Retourne le Viſcount ad *concluda* luy meſme.

Et ceſt parol *Concluſion* eſt priſt en un auter ſenſe, come pur le Fine ou darrein part de aſcun Declaration, Barre, Replication, &c. Come ou al Barre covient eſtre un Replication, le Concluſion de ſon Plee ſerra, *Et hoc paratus eſt verificare.* Si en Dower le Tenant pleda, ne unques ſeiſie que Dower doit render, le Concluſion ſerra, *Et de hoc ponit ſe ſuper Patriam.* Et en quel manner le Concluſion ſerra accordant al nature des ſeveral Actions, veies *Kitch. f. 219, 220, &c.*

Concord.

C*Oncord* eſt define d'eſtre le voyer Agreement entre Parties que entendont le levying de un Fine de Terres un al auter, quel voy & en quel

quel manner les Terres ſerront paſſe: Car en le forme de ceo pluſors choſes ſont d'eſtre conſider. Vide *Weſt. part* 2. *tit. Fines & Concords, ſect.* 30.

Concord eſt auxy un Agreement fait ſur aſcun Treſpaſſe commit, perenter deux ou pluſors, & eſt divide en un Concord Executorie, & Execute. Vide *Plow. Caſu Reniger & Fogaſſe, fol.* 5 & 6. ou il appear per le opinion de aſcuns, Que l'un ne lia pas, come eſteant defective; l'auter, eſteant abſolute, oblige les Parties. Et uncore per le opinion de auters, en meſme le Caſe, il affirm, Que Concords Executorie ſont perfect, & ne meynes lyeront pas que Concords Executed, *fol.* 8. *b.*

Eſt teign de tardiffe temps, que entant que Actions ſur aſſumpſits ſont ore en uſe queux fueront rare devant le reigne de Roy *H.* 8. que ore un accord ove un aſſumpſit ſur quel un Action giſt eſt bone Plea en touts ceux Actions, a queux ceo devant fuit bone Plea ſi fuit execute.

Manner the Lands ſhall be paſſed; for in the Form thereof many Things are to be conſidered. See Weſt. part 2. tit. Fines and Concords, ſect. 30.

Concord is alſo an Agreement made upon any Treſpaſs committed, between two or more, and is divided into a Concord Executory, and Executed. See Plow. in Reniger and Fogaſſe's Caſe, fol. 5 & 6. where it appears by the Opinion of ſome, That the one doth not bind, as being imperfect; the other, being abſolute, binds the Parties. And yet by the Opinion of others, in the ſame Caſe, it is affirmed, That Concords Executory are perfect, and do no leſs bind than Concords Executed, fol. 8. b.

Jt is lately held, that inaſmuch as Actions on Aſſumpſits are now in Uſe, which were rarely before the Reign of King H. 8. that now an Accord with an Aſſumpſit upon which an Action lies, is a good Plea in all thoſe Actions to which it was formerly a good Plea if executed.

Concubinage.

Concubinage eſt un Exception vers luy que port Action pur ſa Dower, per que ill eſt alledge, Que el ne fuit loyalment eſpouſe al Partie en queux Terres el quere d'eſtre endowe, mes ſon Concubine. *Brit. cap.* 107. *Brit. lib.* 4. *tract.* 6. *cap.* 8.

Concubinage.

Concubinage is an Exception againſt her that brings an Action for her Dower, whereby it is alledged, That ſhe was not lawfully married to the Party in whoſe Lands ſhe ſeeks to be endowed, but his Concubine. Brit. cap. 107. Bract. lib. 4. tract. 6. cap. 8.

Condes.

Conders.

Conders are thoſe that ſtand upon high Places near the Sea-coaſt, at the Time of Herring-fiſhing, to make ſigns with Boughs, &c. in their hands to the Fiſhers, which way the Shole of Herrings ſailes: For they who ſtand upon ſome high Cliff may ſee it better than thoſe that are in their Ships. Theſe are otherwiſe called Huers and Balkers, as appears by the Statute of 1 Jac. cap. 23.

Condition.

A Condition is a Reſtraint or Bridle annexed to a Thing, ſo that by the not Performance, or not doing of it, the Party to the Condition ſhall receive Prejudice and Loſs, and by the Performance and doing of it, Commodity and Advantage.

All Conditions are either Conditions actual and expreſſed, which are called Conditions in Deed; or elſe implied or covert and not expreſſed, which are Conditions in Law.

Alſo all Conditions are either Conditions Precedent and going before the Eſtate, and are executed; or elſe ſubſequent and following after the Eſtate, and Executory.

A Condition Precedent doth get and gain the Thing or Eſtate made upon Condition, by the Performance of it.

A Condition ſubſequent keeps and continues the Thing or Eſtate made upon Condition, by the Performance of it.

Conders.

Conders ſont tiels que eſtdiant ſur les alt lieus prochein al coaſt del Mere, al temps del piſcary pur Haleques, a faire ſignes ove ramaus &c. en lour maines al Piſcaters, quel voy le troupe des Haleques paſſont; car ils que eſtoyant ſur aſcun alt Petre poyent ceo mieux veier que tiels que ſont en lour Neiſes. Ceux ſont auterment appel *Huers* & *Balkers*, come appiert per le Statute de 1 *Jac. cap* 23.

Condition.

Condition eſt un Reſtraint ou Bridle annex al choſe, iſſint que per le non performance, ou non feaſans de ceo, le Partie al Condition receivera prejudice & perde, & per le performance & faire de ceo, commoditie & advantage.

Touts Conditions ſont ou Conditions actual & expreſſe, queux ſont appel *Conditions en Fait*; ou ils ſont implicit ou tacite, & nient expreſſe, les queux ſont *Conditions en Ley*.

Auxy touts Conditions ſont ou Conditions precedent & vaiant devant l'Eſtate, & ſont executed; ou ſubſequent & venient apres l'Eſtate, & executorie.

Le *Condition precedent* gain & obtain le Choſe ou Eſtate fait ſur Condition, per le performance de le Condition.

Le *Condition ſubſequent* gard & continue le choſe ou Eſtate fait ſur Condition, per le performance del ycel.

Actual & expreſſe Condition, que eſt appelle un Condition en Fait, eſt un Condition annexe per expreſſe parols a Feoffment, Leaſe, ou Graunt, ou en eſcript, ou ſans eſcript: Si come jeo enfeoffe un homme en Terres, reſervant Rent deſtre payed a tiel Feaſt, ſur Condition, que ſi le Feoffee faile de payment al jour, donques il ſerra loyal pur moy de reenter.

Actual and expreſs Condition, which is called a Condition in Deed, is a Condition annexed by expreſs Words to the Feoffment, Leaſe, or Grant, either in writing, or without writing: As if I infeoff a Man in Lands, reſerving a Rent to be paid at ſuch a Feaſt, upon Condition, that if the Feoffee fail of payment at the Day, then it ſhall be lawful for me to re-enter.

Condition implicite ou tacit eſt, quant home graunt al auter le Office deſtre Gardein de un Park, Seneſchal, Bedle, Bailif, ou tiels ſemblables, pur terme de vie: & nient obſtant que la ne ſoit aſcun Condition expreſſe en le Graunt, uncore le Ley parle covertment de un Condition, quel eſt, Que ſi le Grantee ne executa pas tours points apperteignont a ſon office, per luy meſme ou ſon ſufficient Deputy, donque ſerra loyal pur le Grantor de enter, & diſcharge luy de ſon Office.

Condition implied or Covert is, when a Man grants to another the Office to be Keeper of a Park, Steward, Bedle, Bailiff, or ſuch like, for Term of Life: And though there be no Condition at all expreſſed in the Grant, yet the Law ſpeaks covertly of a Condition, which is, That if the Grantee doth not Execute all Points appertaining to his Office, by himſelf or his ſufficient Deputy, then it ſhall be lawful for the Grantor to enter, and diſcharge him of his Office.

Condition precedent eſt, quant un Leaſe eſt fait al un pur vie, ſur Condition, Que ſi le Leſſee voyle payer al Leſſor xx l. a tiel jour, donques il avera Fee ſimple: icy le Condition precede l'Eſtate en Fee-ſimple, & ſur le performance de Condition gain Fee-ſimple.

Condition precedent is, when a Leaſe is made to one for Life upon Condition, That if the Leſſee will pay to the Leſſor xx l. at ſuch a Day, then he ſhall have Fee-ſimple: Here the Condition precedes the Eſtate in Fee-ſimple, and upon the Performance of the Condition doth gain the Fee-ſimple.

Condition ſubſequent & veniens apres, eſt, quant un grant a *J. S.* ſon Manor de *Dale* en Fee-ſimple, ſur Condition, Que le Grauntee payer a luy a tiel jour xx l. ou auterment que ſon Eſtate

Condition ſubſequent, or coming after, is, when one grants to J. S. his Manor of Dale in Fee-ſimple, upon Condition, That the Grantee ſhall pay to him at ſuch a Day xx l. or elſe that his Eſtate ſhall

hall ceaſe; here the Condition is ſubſequent and following the eſtate in Fee, and upon the performance thereof doth continue the Eſtate.

He who will take Advantage of a Condition ought to be Party or privy to it, Doct. & Stud. cap. 20, 24.

See more of this in Coke lib. 3. f. 64. and in Lit. lib. 3. cap. 5. and Perkins in the laſt Title of Conditions

Confederacy.

A Confederacy is, when two or more confederate themſelves to do any Hurt or Damage to another, or to do any unlawfull Thing. And though a Writ of Conſpiracy doth not lie, if the Party be not indicted, and in lawful manner acquitted, for ſo are the Words of the Writ; yet falſe Confederacy between divers Perſons ſhall be punished, though nothing be put in Ure: and this appears by the Book of 27 Aſſ. placit. 44. where there is a Note, That two were indicted of Confederacy, each of them did maintain other, whether their Matter were true or falſe, and though nothing was ſuppoſed to be put in Ure, the Parties were put to Anſwer, becauſe this Thing is forbidden in the Law. So the next Article in the ſame Book, Enquiry ſhall be made of Conſpirators and Confederators, which bind themſelves together, &c. falſly to indite or acquit, &c. the Manner of their binding, and between whom: Which proves alſo that Confederacy to indite or acquit, although no-

ceſſera; icy le Condition eſt ſubſequent & enſuant le Eſtate en Fee, & ſur le performance de ycel continue l'Eſtate.

Ceſtuy qui voit prender advantage de un Condition doit eſtre Party ou privy al ceo. *Doct. & Stud. cap.* 20, 24.

Veies pluis de ceo en *Coke. lib.* 3. *f.* 64. & en *Lit. lib.* 3. *cap.* 5. & *Perkins* Titulo ultimo de *Conditions.*

Confederacy.

Confederacy eſt, quant deux ou pluſors luy meſmes confedere de faire aſcun male ou damage al auter, ou de faire aſcun choſe illoyal. Et coment que Brief de Conſpiracy ne giſt, ſinon que le Partie ſoit endite, & en loyal manner acquite, car iſſint ſont les parols del Breve; uncore faux Confederacie inter divers perſons ſerra punie, comment que nul choſe ſoit miſe en ure: & ceo appiert per le Livre de 27 *Aſſiſ placit.* 44. ou la eſt un note, Que deux fueront endite de Confederacie, cheſcun de eux a maintain auter, le que lour matter ſoit veray ou faux; & nient obſtant que nul choſe fuit ſuppoſe deſtre miſe en ure, les parties fueront mis a reſponder, pur ceo que ceo choſe eſt defendue en la Ley. Iſſint en le prochein Article en meſme le Livre, Enquirie ſerra fait de Conſpirators & Confederators, que ſoy enter eux ils liont, &c. de fauxement endite ou acquitte, &c. le manner del alliance, & enter queux; quel prove auxy, que Confederacie de enditer ou acquitter, comment que

rien

rien ſoit executé, eſt puniſhable per le Ley. Et eſt deſtre obſerve, que ceux Confederacies puniſhable per Ley devant que ils ſont execute, covient de aver quater incidents: Primerment, eſtre declare per aſcun matter de proſecution, come per feaſant de Bonds ou Promiſes l'un al auter; ſecondement, eſtre malicious, come pur unjuſt Revenge; tiercement, eſtre faux encount' un innocent; & derniermente, eſtee hors de Court, voluntariment.

Confeſſion del Offence.

Confeſſion del Offence eſt, quant un Priſoner eſt appeal ou indite de Treaſon ou Felonie & trahe al Barre deſtre arraigne, & ſon Indictment eſt lie a luy, & il eſt demande per le Court que il voile dire a ceo; donque ou il confeſſe le Offence & le Indictment deſtre voyer, ou il eſtrange luy meſme del Offence, & plede Nient culpable, ou autrement done un indirect reſpons, & iſſint en effect eſtoia mute.

Confeſſion poit eſtre fait en deux ſorts, & a deux ſeveral fines. L'un eſt, il poit confeſſe le Offence de que il eſt indict appiertment en le Court devant le Judge, & ſubmit luy meſme al cenſure & Judgement de Ley; quel Confeſſion eſt le pluis certain que poit eſtre deliver al Judge a condemner le Offendor, iſſint que il proceda frankment & de ſon volunt demeſne, ſans aſcun menace, force, ou extremitie uſe;

thing be done, is puniſhable by the Law. And it is to be obſerved, that this Confederacy puniſhable by Law before it be executed, ought to have four incidents: Firſt, to be declared by ſome Matter of Proſecution, as by making of Bonds or Promiſes the one to the other; Secondly, To be malicious, or for unjuſt Revenge; Thirdly, To be falſe againſt an Innocent; and laſtly, To be out of Court, voluntarily.

Confeſſion of Offence.

Confeſſion of Offence is, when a Priſoner is appealed or indicted of Treaſon or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him, and he is demanded by the Court what he can ſay thereto; then either he confeſſes the Offence and the Indictment to be true, or he eſtranges himſelf from the Offence, and pleads Not guilty, or elſe gives an indirect Anſwer, and ſo in Effect ſtands mute.

Confeſſion may be made in two Sorts, and to two ſeveral Ends. The one is, he may confeſs the Offence wherein he is indicted openly in the Court before the Judge, and ſubmit himſelf to the Cenſure and Judgment of the Law; which Confeſſion is the moſt certain Anſwer and beſt Satisfaction that may be given to the Judge to condemn the Offender, ſo that it proceed freely and of his own Accord, without any Threats, Force or Extremity uſed; For if the Confeſſion

feſſion ariſe from any of theſe Cauſes, it ought not to be re-corded. As a Woman was indicted for the felonious ta-king of Bread to the Value of two Shillings, and being there-of arraigned, ſhe confeſſed the Felony and ſaid, That ſhe did it by the Commandment of her Huſband: and the Judges in pity would not record her Confeſſion, but cauſed her to plead Not guilty to the Fe-lony: whereupon the Jury found, that ſhe ſtole the Bread by the Compulſion of her Huſ-band againſt her Will, for which Cauſe ſhe was diſcharged. 27 Aſſiſ. placit. 50.

The other kind of Confeſſion is, when the Priſoner confeſ-ſes the Indictment to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuſer of others who have committed the ſame Offence whereof he is indict-ed, or other Offences with him; and then prays the Judge to have a Coroner aſſigned him, to whom he may make Relation of thoſe Offences, and the full Circumſtances there-of.

There is alſo a third kind of Confeſſion made by an Of-fender in Felony, which is not in Court before the Judge, as the other two are, but before the Coroner in a Church or o-ther privileged Place, upon which the Offender, by the an-cient Law of the Realm, is to abjure the Realm.

car ſi le Confeſſion ſurde de aſcun de ceux cauſes, il ne doit eſtre recorde. Come feme fuit indict pur le felo-nious embleer de Pane al value de 7 s. & eſteant de ceo arraigne, el confeſſe le Felonie, & dit que el ceo fait per le commandement de ſa Baron; & les Judges en compaſſion ne voillent recorder ſa Confeſſion, mes cauſe luy de pleader Non culpable al Felonie: ſur que le Jurie trove que e emblee le Pane per le compulſion de ſa Baron encounter ſa volunt, per quel matter el fuit diſcharge. 27 *Aſſiſ. placit.* 50.

L'auter ſort de *Confeſſion* eſt, quand le Priſoner con-feſſe l' Endictment deſtre voyer, & que il ad commit le Offence de que il eſt en-dict, & donque devient un Approver, ceſt adire, un Ac-cuſer de auters queux ont commit meſme le Offence de que il eſt endict, ou au-ters Offences ove luy; & don-que pria le Judge daver un Coroner aſſigne a luy, a que il poit faire relation de ceux Offences, & del pleine cir-cumſtances de eux.

La eſt auxy un tierce ſort de *Confeſſion* fait per un Offen-dor en Felonie, que neſt en Court devant le Judge, come l'auters deux ſont, mes de-vant le Coroner en un Eſgliſe ou auter lieu privilege, ſur que l'Offendor per l'ancient Ley del Royalme eſt de faire ſon abjuration hors del Royalme.

Confirmation.

Confirmation.

Confirmation eſt, quand un que avoit droit al aſcun Terres ou Tenements fait un Fait a un auter que avoit ent le poſſeſſion ou aſcun eſtate, oveſque ceux parolx, *Ratificaſſe*, *Approbaſſe*, *Confirmaſſe*, ove entent de enlarge ſon eſtate ou faire ſon poſſeſſion perfect, & nient defeaſible per luy que fait le Confimation, ne per aſcun auter que poit aveigner a ſon droit.

Dont veies plus en *Lit. lib.* 3. *cap.* 9. de *Confirmation.*

Confirmation.

Confirmation is, when one who hath Right to any Lands or Tenements makes a Deed to another who hath the Poſſeſſion or ſome Eſtate, with theſe Words Ratificaſſe, Approbaſſe, Confirmaſſe, with Intent to enlarge his Eſtate or make his Poſſeſſion perfect and not defeaſible by him that makes the Confirmation, or by any other that may have the Right.

Whereof ſee more in Lit. l. 3. cap. 9. of Confirmation.

Confiſcate.

Confiſcate, ceſt parol eſt priſe del *Latin* parol *Fiſcus*, que originalment ſignifie un Hanaper ou Fraile, mes per implication le Treaſure del Soveraigne, pur ceo que en veiel temps il fuit mis en Hanapers ou Frailes, Et nient obſtant que noſtre Roy ne mis ſon Treaſure en tiels choſes, uncore come les *Romans* ont dit, que tiels biens que fueront forfeit al Treaſure del Emperor eſteant *Bona Confiſcata*, en meſme le manner nous diomus de tiels biens que ſont forfeit al Eſchequer de noſtre Roy. Et le title de aver ceux biens eſt done al Roy per le Ley, quand ils ne ſont claime per aſcun aut' ; Come ſi home ſoit indite, que il felonieuſment emblee les biens dun aut' home, lou en veritie ils ſont les proper biens l'enditee, & ils ſont miſes en Court vers luy come le maner eſt, & la demand eſt de luy, que il dit ces dits biens, as queux il diſclaima ; per cel Diſclaimer il perdra les biens, coment

Confiſcate.

Confiſcate is derived from the Latin Fiſcus, which originally ſignifies a Hamper or Basket, but metonymically the Prince's Treaſure, becauſe in ancient Time it was put in the Hampers or Frails. Tho though our King doth not put his Treaſure in ſuch things yet as the Romans have ſaid That ſuch Goods as were forfeited to the Emperor's Treaſury were Bona Confiſcata, in like manner do we ſay of ſuch Goods as are forfeited to the King's Exchequer. And the Title to have theſe Goods is given to the King by the Law when they are not claimed by ſome other: As if a Man be indicted, that he feloniouſly ſtole the Goods of another Man, where in Truth they were the proper Goods of him indicted, and they are brought in Court againſt him as the Manner is, and he is there asked what he ſays to the ſaid Goods to which he diſclaims: By this Diſclaimer he ſhall loſe the Goods, although that after

wards he be acquitted of the Felony, and the King ſhall have them as confiſcated. But otherwiſe it is, if he doth not diſclaim them.

The ſame Law is where Goods are found in the Felon's Poſſeſſion, which he diſavows; and afterwards is attainted of other Goods, and not of them; there the Goods which he diſavows are confiſcate to the King: But had he been attainted of the ſame Goods, they ſhould have been ſaid to be forfeited, and not confiſcate, notwithſtanding his Diſavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out ſome of the Goods, he ſhall not be received to enlarge his Appeal; and forasmuch as there is none to have the Goods ſo left out, the King ſhall have them as confiſcate, according to the old Rule. Quod non capit Chriſtus, capit Fiſcus. And as in the Caſe aforeſaid the Law puniſhes the Owner for his Negligence and Connivency, ſo the Law abhors Malice, in ſeeking the Blood of any without juſt Cauſe. And therefore if A. hath the Goods of B. by Delivery, or finding, and B. brings an Appeal againſt A. for taking them feloniouſly, and it is found that they were the Plaintiff's Goods, and that the Defendant came lawfully by them; in this Caſe the Goods are confiſcate to the King, becauſe of the falſe and malicious Appeal.

See more in Staundf. pl. Cor' l. 3. cap. 24. 3 Inſt. fol. 227.

que apres ils ſoit acquite del Felonie, & le Roy eux avera come confiſque. Mes autrement eſt, ſil ne diſclayma eux.

Meſme le Ley eſt ou biens ſont troves en le poſſeſſion dun Laron, queux il diſavowa, & puis eſt attaint de aut's biens, & nemy de ceux; icy les biens queux il diſavowa ſont al Roy confiſques: Mes uſſoit il eſte attaint de meſmes les biens, ils ſeroient aver eſte appelles *forfeits*, & nemy *confiſques*, nient obſtant ſon Diſavowment. Iſſint ſi Appeal de Robberie ſoit port, & le Plaintiff interleſſe aſcun de ſes biens, il ne ſerra receive de enlarger ſon Appeale; & entant que nul eſt icy aver les biens iſſint interleſſe, le Roy eux avera come confiſque, accordant al veil dit, *Quod non capit Chriſtus, capit Fiſcus.* Et come en le caſe avantdit le Ley punie le owner pur ſon negligence ou connivencie, iſſint le Ley abhorre malice, en querance le ſanke daſcun ſans juſt cauſe. Et pur ceo ſi *A.* ad' biens de *B.* per bailment, ou trover, & *B* port Appeale vers *A.* pur prender eux felonioufment, & eſt trove que eux fueront les biens le Plaintiff, & que le Defendant vient a ceux loyalment; en ceſt caſe ceux biens ſerront confiſque al Roy pur le faux & malicious Appeale.

Veies plus en *Staundf pl. Cor l. 3. cap.* 24 3 *Inſt. fol.* 227.

Congeable.

Congeable veigne del parol Francois *Conge, id eſt, venia*, & ſignifie en noſtre Common Ley tant come loyal, ou loyalment fait; & iſſint eſt uſe per *Littleton* en ſon 410. *ſect.* lou il dit, que *l'Entry del Diſſeiſee eſt congeable.*

Congeable.

Congeable comes of the French Word Conge, id eſt, venia, and ſignifies in our Common Law as much as lawful, or lawfully done; and ſo Littleton uſes it in his 410. Sect. where he ſays, that the Entry of the Diſſeiſee is congeable.

Conge de Accorder.

Conge de Accorder ſignifie licenſe de accorder, de quel mention eſt fait en le Statute de *Fines*, 18 *E* 3. en ceux parols. Quant le Original Briefe eſt deliver en le preſence des Parties devant les Juſtices, un Pleader dira ceo. *Sir Juſtice, conge de accorder.* Et le Juſtice dirra a luy, *Que dit Sir P.* & noſmera un des Parties, *&c.*

Conge de Accorder.

Conge de Accorder ſignifies leave to accord, of which Mention is made in the Statute of Fines, 18 E. 3. in theſe Words. When the original Writ is delivered in Preſence of the Parties before the Juſtices, a Pleader ſhall ſay this, Sir Juſtice, conge de accorder. And the Juſtice ſhall ſay to him, What ſaith Sir *P.* and ſhall name one of the Parties, &c.

Conge d' eſſire.

Conge d'eſſire, Venia eligendi, eſt le Permiſſion Royal de Roy a aſcun Deane & Chapter en temps de Vacation d'eſſire un Eveſque; ou a un Abbey ou Priorie de ſon foundation demeſne, de eſſire lour Abbot ou Prior. *Fitz. Nat. Brev. fol.* 169 *b.* 170. *b. c &c.* Monſieur *Gwyn* en le Preface a ſes Lectures dit, Que le Roy de *Angleterre*, come Soveraine Patron de touts Archieveſqueries, Eveſqueries. & auters Benefices Eccleſiaſtical. ad de ancient temps frank diſpoſition de touts Dignities Eccleſiaſtical, oucunque ils happa deſtre void, inveſtant eux primerment *per baculum & annulum*,

Conge d' eſſire.

Conge d'eſſire, (i. leave to chuſe, or Power of chuſing) is the King's Royal Permiſſion to any Dean and Chapter, in Time of Vacancy, to chuſe a Biſhop; or to an Abbey or Priory of his own Foundation, to chuſe their Abbot or Prior. Fitz. Nat. Brev. fol. 169. b. 170. b. c. &c. Maſter Gwyn in the Preface to his Readings ſaith, That the King of England, as Sovereign Patron of all Archbiſhopricks, Biſhopricks, and other Eccleſiaſtical Benefices, had of ancient Time free Diſpoſition of all Eccleſiaſtical Dignities whenſoever they happened to be void, inveſting them firſt per baculum & annulum, and after-ward

wards by his Letters Patents; and that in Progress of Time they gave Power to others to make Election under certain Forms and Conditions; as, namely, that they upon every Vacation should beg of the King Conge d' eslire, that is, License to proceed to Election, and after to crave his Royal Assent, &c. And farther he affirms, by good Proof out of the Common-Law Books, that King John was the first that granted it, and that it was afterward confirmed by Westm. 1. cap. 1. which Statute was made Anno 3 E. 1. and again by the Statute de Art. Cleri, cap. 2. which was ordained Anno 25 E. 3. Stat. 3.

Conjuration.

COnjuration is a Compact or Plot made by Men combining themselves together by Oath or Promise to do any publick harm. But it is more commonly used for such as have personal Conference with the Devil or evil Spirit, to know any Secret, or to effect any Purpose. Anno 5 Eliz. c. 16. And the Difference between Conjuration and Witchcraft may be this: Because the one seems by Prayers and Invocation upon the powerful Name of God, to compel the Devil to say or do what he commands; and the other doth it rather by a friendly and voluntary Conference or Agreement between him or her, and the Devil or Familiar, to have his or her Desires and Purposes effected, instead of Blood or other Gift offered him, especially of his or her Soul. And both these

& puis per ses Letters Patents; & que en progresse de temps ils done poyer as autors a fair Election south ascun formes & conditions; come nosmement, que ils a chescun Vacation demanderont del Roy *Conge d' eslire*, ceste ascavoir, license a procede al Election, & puis de obsecrer son Royal Assent, &c. Et ouster il affirm per bone probation hors des Livres del Common Ley, que le Roy *Jean* fuit le primer que granta ceo, & que il fuit puis confirme per *Westm.* 1. *cap.* 1. quel Statute fuit fait *Anno* 3 *E.* 1. & arere per le Statute de *Art Cleri cap.* 2. que fuit ordaine *Anno* 25 *E.* 3. *Stat.* 3.

Conjuration.

Conjuration est un Compact ou Plot fait per homes combinant eux mesmes ensemble per serement ou parol a fair ascun publique leide. Mes il est pluis communement use pur tiels queux ont personal Parlance ove le Diable ou male Esprit, a cognostre ascun secrer, ou de faire ascun chose. *Anno* 5 *Eliz. c.* 16. Et le difference perenter *Conjuration* & *Witchcraft* poit estre ceo: Pur ceo que l'un semble per Orizons & Invocation sur le potent Nosme de Dieu, de compeller le Diable a dire ou faire que il luy command; & l'aut' falt plus per un amicable & voluntarie Parlance ou Concord perenter luy ou el, & le Diable ou Esprit, daver sa ou son volunt & choses effect en lieu de sangue ou aut' done offer a luy, primerment de son ou sa Alme. Et ambideux ceux

differont de *Enchantments* ou *Sorceries*, pur ceo que ſont perſonal Parlances ove le Diable, come eſt dit; mes ceux ſont forſque Medicines & ceremonial formes de parols, communement appel *Charms*, ſans apparition.

differ from Enchantment o Sorceries, becauſe they are perſonal Conferences with the Devil, as is ſaid; but theſe are but Medicines and ceremonial Formes of Words, commonly called Charms, without Apparition.

Conſervator del Peace.

Conſervator del Peace eſt celuy que ad un eſpecial charge per vertue de ſon Office a veier le Peace le Roy obſerve. Quel Peace en effect eſt define deſtre, Un detention ou abſtinence de cel injurious force & violence que homes irregular & indomit ſont en lour natures apt de uſer envers auters, ſinon que ils fuer' reſtrain per Leys & pavor de Caſtigac'. De ceux Conſervators *Lambard* ouſter dit, Que devant le temps del Roy *Ed.* 3. que primerment conſtitute Juſtices del Peace, la fuer' divers Perſons que per le Common Ley avera intereſt en le gardiancy del Peace. De ceux, aſcuns ont ceo charge come incident a lour Offices, & iſſint include deins meſme, nient obſtant ils fueront appel per le noſme de lour Office ſolement: aſcun auters ont ceo ſolement, come de luy meſme, & fuer' de ceo noſme *Cuſtodes Pacis*, Gardians ou Conſervators del Peace. Et ceux ambideux ſorts ſont areres ſubdivide per *Lambard* en ſon *Eirenarcha*, *lib.* 1. *cap.* 3.

Conſervator of the Peace.

Conſervator of the Peace is he that hath an eſpecial Charge, by Virtue of his Office to ſee the King's Peace kept. Which Peace, in Effect, is defined to be, A withholding or Abſtinence from that injurious Force and Violence that unruly and boiſterous Men are in their Natures prone to uſe towards others, were they not reſtrained by Laws and Fear of Puniſhment. Of theſe Conſervators Lambard farther ſaith, That before the Time of King Ed. 3. who firſt appointed Juſtices of the Peace, there were ſundry Perſons who by the Common Law had Intereſt in keeping of the Peace. Of thoſe, ſome had that Charge as incident to their Offices, and ſo included within the ſame, and yet notwithſtanding were called by the Names of their Office only: others had it ſimply, as of it ſelf, and were thereof named Cuſtodes Pacis, Wardens or Conſervators of the Peace. And both theſe Sorts are again ſubdivided by Lambard in his Eirenarch. lib. 1. cap. 3.

Conſervator of the Truce.

COnſervator of the Truce was an Officer appointed in every Port of the Sea, under the King's Letters Patents; and had 40 l. for his yearly Stipend at the leaſt. His Charge was to enquire of all Offences done againſt the King's Truce and Safe Conducts upon the main Sea, out of the Counties and Liberties of the Cinque-Ports of the King, as the Admirals have accuſtomely done; and ſuch other Things as are declared Anno 2 H. 5. cap. 6. Touching this Matter you may read the other Statute of Anno 4 H. 5. cap. 7.

Conſideration.

COnſideration is the material Cauſe of a Contract, without which no Contract can bind the Party. This Conſideration is either expreſſed, as when a Man bargains to give Twenty Shillings for an Horſe: Or is implied, as when the Law it ſelf inforces a Conſideration; as if a Man comes into a Common Inn, and there ſtaying ſome Time, takes Meat or Lodging, or either, for himſelf or his Horſe, the Law preſumes he intends to pay for both, notwithſtanding that nothing be covenanted between him and his Hoſt; and therefore if he diſcharges not the Houſe, the Hoſt may ſtay his Horſe.

Alſo there is Conſideration of Nature and Blood, and valuable Conſideration: And therefore if a Man be indebted to divers others, and yet in Conſideration of natural Affection,

Conſervator del Truce.

Conſervator del Truce fuit un Officer conſtitute en cheſcun Port del Mere ſouth les Letters Patents del Roy, & ad 40 l. pur ſon annual Salarie al meins. Son charge fuit de enquirer de touts Offences faits envers le Truce & Safe-conducts del Roy ſur le plein Mere, hors des pais & hors des Franchiſes del Cinque-Ports le Roy, come les Admirals de cuſtome ont uſe de faire: & tiels auter choſes come ſont declare *Anno* 2 *H.* 5. *cap.* 6. Touchant ceſt choſe poyes lier l'anter Statute de *Anno* 4 *H.* 5. *cap.* 7.

Conſideration.

Conſideration eſt l'eſſential cauſe de un Contract, ſans le quel nul Contract poit lier les Parties. Ceo Conſideration eſt ou expreſſe, ſicome quant un home bargaine a done Vint Soulz pur un Chival: ou eſt imply, ſicome quant le Ley meſme enforce un Conſideration; come ſi un home vient en un common Hoſtel, & la commorant aſcun temps, priſt viands & giſure, ou aſcun, pur luy meſme ou ſon Chival, le Ley preſume que il intend a payer pur ambideux, nient obſtant riens ſoit covenant perenter luy & ſon Hoſtler, & pur ceo ſi ne dſcharge pas le meaſon, le Hoſtler poit retaine ſon Chival.

Auxy la eſt *Conſideration* de Nature & Sanke, & valuable Conſideration: & pur ceo ſi home ſoit endet a divers auters, & nient obſtant, en Conſideration de

natural affection, done touts ſes Biens a ſon Fits ou Couſin, ceo ſerra entend deſtre un fraudulent Done deins l'Act de 13 *Eliz. cap.* 5. pur ceo que ceſt Act entend un valuable Conſiderarion.

Conſiſtory.

C*Onſiſtory* eſt un parol emprent del *Italianois*, ou pluis toſt *Lombards*, & ſignifie tant come *Prætorium. Eſt vocabulum utriuſque Juris*, & eſt uſe pur le lieu del Juſtice en les Courts Eſpirituals ou Chriſtians. Cheſcun Archeveſque, ou Eveſque ad un Conſiſtory Court, tenus devant ſon Chancellor ou Commiſſarie, en ſon Eſgliſe Cathedral, ou auter convenient Lieu de ſon Dioceſe, pur tryer de Cauſes Eccleſiaſtical. 4 *Inſt. fol.* 338.

Conſolidation.

C*Onſolidation* eſt uſe pur le combinancie & unificence de deux Benefices en un: & ceſt parol eſt priſe de le Ley Civile, ou il proprement ſignifie un uniting del Poſſeſſion, Occupation, ou Profit, ove le Propertie. Come ſi home ad per Legacie *uſumfructum fundi*, & puis purchaſe le Propertie ou Fee-ſimple del Heir; en ceſt caſe un Conſolidation eſt fait des Profits & Propertie. *Vide Brook, tit. Union.*

Conſpiracie.

C*Onſpiracie*, nient obſtant que en *Latine* & *François* eſt uſe pur un Agreement des homes a faire un choſe bone ou male, uncore il eſt communement priſe en noſtre Ley en le male part; & eſt define en 34 *E.* 1. *Stat.* 2. deſtre un

gives all his Goods to his Son or Couſin, this ſhall be conſtrued a fraudulent Gift within the Act of 13 Eliz. cap. 5; becauſe this Act intends a valuable Conſideration.

Conſiſtory.

COnſiſtory is a Word borrowed of the Italians, or rather Lombards, and ſignifies as much as Tribunal. It is vocabulum utriuſque Juris and is uſed for the Place of Juſtice in the Courts Chriſtian or Spiritual. Every Archbiſhop, and Biſhop hath a Conſiſtory Court, held before his Chancellor or Commiſſary, in his Cathedral Church, or other convenient Place of his Dioceſe, for Trial of Eccleſiaſtical Cauſes. 4 Inſt. fol. 338.

Conſolidation.

COnſolidation is uſed for the combining and uniting of two Benefices in one: And this Word is taken from the Civil Law, where it properly ſignifies an uniting of the Poſſeſſion, Occupation, or Profit, with the Property. As if a Man hath by Legacy uſumfructum fundi, and after purchaſes the Property or Fee-ſimple of the Heir; in this Caſe a Conſolidation is made of the Profits and Property. Vide Brook, tit. Union.

Conſpiracy.

COnſpiracy, notwithſtanding that in Latin and French it is uſed for an Agreement to Men to do a good or evil Thing, yet it is commonly taken in our Law in the evil Part; and is defined in 34 E. 1. Stat. 2. to be an Agreement

of ſuch as confederate or bind themſelves by Oath, Covenant, or other Alliance, that every of them ſhall bear and aid the other falſly and maliciouſly to indict, or falſly to move or maintain Pleas; and alſo ſuch as cauſe Children within Age to appeal Men of Felony, whereby they are impriſoned and ſore grieved; and ſuch as retain Men in the County with Liveries and Fees to maintain their malicious enterpriſes: And this extends as well to the takers, as to the givers. Alſo Stewards and Bailiffs of great Lords, who by their Seigniory, Office or Power, undertake to bear or maintain Quarrels, Pleas or Debates, that concern other Parties than ſuch as touch the Eſtate of their Lords, or of themſelves. Anno 4 Ed. 3. cap. 11. 3 Hen. 7. cap. 13. And hereof ſee more, 1 Hen. 5. cap. 3. 18 Hen. 6. cap. 12. alſo in the Old Book of Entries, Word Conſpiracy.

This Word in the Places before rehearſed is taken more generally, and is confounded with Maintenance and Champerty; but in a more ſpecial ſignification it is taken for a Confederacy between two or more, falſly to indict one, or to procure one to be indicted of Felony. And the Puniſhment of Conſpiracy upon an Indictment of Felony at the Suit of the King is, That the Party attainted ſhall loſe his frank-Law, ſo that he ſhall not be impanelled upon Juries or Aſſiſes, or ſuch like Imployments, for teſtifying of the Truth; And if he hath to do in

Agreement de tiels que confederont ou lieront eux meſmes per ſerement, Covenant, ou aut' alliance que cheſcun de eux portera & aidera lauter fauxment & malicioufment de enditer, ou fauxment a mover ou maintainer Plees; & aux tiels que cauſant Enfants deins age de appealer homes de Felony, per que ils ſont impriſon & durement grieve; & tiels que reteignont gentes en le Pais ove Liveries ou Fee de maintainer lour Actions malicious: Et ceo extend cybien a le priſors, come les donors. Aux Seneſchals & Reeves de grand Seigniors, que per lour Seigniorie, Office ou poyar, aſſume de port ou maintainer Quarrels, Plees ou Debates, que concernont aut' parties que tiels que touchant l'Eſtate de lour Seignior, ou de eux meſmes. *Anno 4 E. 3. c. 11. 3 H. 7. c. 13.* Et de ceo veies pluis *1 H. 5. c. 3. 18 H. 6 c. 12.* auxy en le veiel Livre de *Entries* verb. *Conſpiracy.*

Ceſt parol en les lieus devant rehearſe eſt priſe pluis generalment, & eſt confound ove *Maintenance* & *Champerty*; mes en un pluis ſpecial ſignification il eſt priſe pur un Confederacie perent' deux ou pluſors, fauxment de endit' un, ou de procurer un deſtre endict de Felony. Et le puniſhment de Conſpiracie ſur un Indictment de Felony al Suit le Roy eſt, Que le party attaint perdera ſon frank-Ley, al entent que il ne ſoit impannel ſur Juries ou Aſſiſes, ou tiels ſemblable employments, pur le teſtification del voyertie: Et ſil ad a fair en le Court le Roy, que il

fait ſon Attorney; & que ſes Terres, Biens & Chattels ſont ſeiſie en les mains le Roy, ſes Terres eſtreape, ſes Arbres defoſſe, & ſon Corps commiſe al Priſon. 27 *lib. Aſſiſe* 59. *Crompton* 156. *b.* ceo eſt appel *villanous Judgment.* Mes ſi le Partie grieve voyle ſuer un Brief de Conſpiracie, donque veies *Fitz. Nat. Brev.* 114. *d.* 115. *i. &c. Crompton Juriſdict.* 209. *Reg.* 134.

Conſtable.

Conſtable eſt diverſment uſe en le Common Ley. Et primerment, le Conſtable de *Angleterre*, que eſt auxy appel Marſhal, *Staundf. Pl. Cor. f.* 65. de l'Authoritie & Dignitie de quel home poit trover pluſors Arguments & Signs, cybien en les Statutes, come les Chronicles de ceo Royalm. Son Poyer conſiſt en le care del common Peace del Terre. en Faits marſhal, & choſes de Chivalry, *Lamb. Dutie de Conſtab. numb.* 4. ove que agree le Statute de 13 *R.* 2. *cap.* 2. *Stat.* 1. De ceo Officer ou Magiſtrate, *Gwyn*, en le Preface a ſes Lectures, dit a tiel effect; Le Court de Conſtable & Marſhal finiſt Contracts touchant faits de Chivalrie hors del Royalme, & treat choſes concernont Guerres deins le Royalme, come Combats, Blaſons de Armory, & tiels ſemblables; mes il nad a faire ove Battel en appeale, ne generalment ove aſcun auter choſe que poit eſtre trie per les Leyes de Terre. Veies *Forteſcue*, *cap* 32. Ceſt Officer en temps par devant fuit ap-

the King's Court, he ſhall make his Attorney; and his Lands, Goods and Chattels ſhall be ſeiſed into the King's Hands, his Lands eſtreaped, his Trees digged up, and his Body committed to Priſon. 27 lib. Aſſiſe 59. Crompton 156. b. this is called villanous Judgment. But if the Party grieved will ſue a Writ of Conſpiracy, then ſee Fitz. Nat. Brev. 114. d. 115. i. Crompt. Juriſdict. 209. Reg. 134.

Conſtable.

Conſtable is diverſly uſed in our Common Law. And Firſt, the Conſtable of England, who is alſo called Marſhal, Staundf. Pl. Cor. f. 65. of whoſe Authority and Dignity a Man may find many Arguments and Signs, as well in the Statutes, as in the Chronicles of this Realm. His Power conſiſts in the Care of the Common Peace of the Land, in deeds of Arms, and Matters of War, Lamb. Duty of Conſtables numb. 4. where with agrees the Statute of 13 R. 2. cap. 2. Stat. 1. Of this Officer or Magiſtrate, Gwyn in the Preface to his Readings ſaith to this Purpoſe; The Court of the Conſtable and Marſhal determines Contracts touching deeds of Arms or of the Realm, and handles Things concerning Wars within the Realm, as Combats, Blazons of Armory, and ſuch like; but he hath nothing to do with Battel in appeal nor generally with any other Thing that may be tried by the Law of the Land. See Forteſcue, cap. 32. This Office heretofore was apperta-

ng to the Lords of certain Manors Jure feudi; and why it is diſcontinued, ſee Dyer 285. pl. 39.

Out of this Magiſtracy (ſaith Lambard) were drawn theſe inferior Conſtables, which we call Conſtables of Hundreds and Liberties, and firſt ordained by the Statute of Wincheſter, 13 Edw. 1. which appoints for the Conſervation of the Peace, and view of Armour, two Conſtables in every Hundred and Liberty; and theſe are at this Day called High Conſtables, becauſe the increaſe of People and Offences hath again under theſe made others in every Town, called Petty Conſtables, who are of the like Nature, but of inferior Authority to the other.

Beſides theſe, there are Officers of particular places called by this name; as Conſtable of the Tower, Staundf. 52 1 H. 4. 13. Conſtable of the Exchequer, 15 H. 3. Stat. 5. Conſtable of Dover Caſtle, Camb. Brit. pag. 239. Fitz. Nat. Brev. otherwiſe called Caſtellain. Manw. part 1. cap. 13. of his Foreſt Law, makes mention of a Conſtable of the Foreſt.

perteynant al Seigniors de certain Manors *Jure feudi*; & pur que cauſe ceo eſt diſcontinue, veies *Dyer* 385. *pl.* 39.

Hors de cel Magiſtracie (dit *Lambard*) fueront trahe ceux ſouth Conſtables, les quels nous appellomus *Conſtables des Hundreds* & Franchiſes, & primerment ordein per le Statute de *Wincheſter*, 13 *Edw.* 1. le quel appoint pur le conſervation del Peace, & view de Armor, deux Conſtables en cheſcun Hundred & Franchiſe; & ceux ſont a ceſt jour appel *Alt Conſtables*, pur ceo que le encreaſe des Gents & Peches ad arrere ſouth ceux faits auters en cheſcun Ville, appel *Petit Conſtables*, queux ſont de ſemblable nature, mes de inferior Authority al aurer.

Ouſter ceux, la ſont Officers de particular lieux appel' per ceſt noſme; come Conſtable del Tower, *Staundf.* 152. 1 *H.* 4. 13. Conſtable de Exchequer, 15 *H.* 3. *Stat.* 5. Conſtable de *Dover* Caſtle, *Camb. Brit. pag.* 239. *Fitz. Nat. Brev.* auterment appelle Caſtellaine. *Manw. part* 1. *cap.* 13. de ſes *Leys del Foreſt*, fait mention de un Conſtable del Foreſt.

Conſtat.

A Conſtat is a kind of Certificate made by the Clerk of the Pipe and Auditors of the Exchequer, at the requeſt of any Perſon who intends to plead in this Court for the Diſcharge of any thing. 3 & 4 E. 6. 4. 13 El. 6. And this is more certain than a

Conſtat.

Conſtat eſt un ſort de Certificate fait per le Clerk del Pipe & Auditors del Exchequer, al requeſt de aſcun Perſon que intend a pleader en ceſt Court pur le diſcharge de aſcun choſe, 3 & 4 E. 6. 4. 13 *El.* 6. Et ceo eſt plus certain que un

un *Certificate*, car ceſt certifie que *conſtat* de Record. Veies *Coke* 5 *Rep.* le difference perenter un *Conſtat*, *Inſpeximus*, & un *Vidimus*.

Certificate, for this certifies what appears upon Record. See Coke 5 Rep. the Difference between a Conſtat, Inſpeximus, and a Vidimus.

Conſuetudinibus & Servitiis. Vide Preſcription.

Cuſtoms and Services. See Preſcription.

Conſuetudinibus & Servitiis eſt un Brief, & giſt lou jeo ou mes Anceſtors, depuis le limitation de Aſſiſe, (pur quel veies le Title de *Limitation* en le Collection de Statutes) ne fueront ſeiſes des Cuſtomes ou Services de mon Tenant devant; & donques jeo avera ceſt Brief pur recover' ceux Services.

Auxy le Tenant poit aver ceſt Brief vers ſon Seigniour; mes apres que le Tenant ad count, le Seigniour defendera les motes del Count, & repliant dirra, que il ne diſtreina pas pur les Coſtomes dont le Count eſt; & donques il countera tout le Count de les Cuſtomes & Services; & donques le Tenant, que fuit Plaintiff, deviendra Defendant, & defendra per Battaile ou grand Aſſiſe.

Cuſtoms and Services is a Writ, and lies where I or my Anceſtors, after the limitation of Aſſiſe, (for which ſee the Title of Limitation in the Collection of Statutes) were not ſeiſed of the Cuſtoms or Services of my Tenant before: then I ſhall have this Writ to recover thoſe Services.

Alſo the Tenant may have this Writ againſt his Lord, but after the Tenant hath declared, the Lord ſhall defend the Words of the Declaration, and replying ſhall ſay, that he diſtrained not for the Cuſtoms whereof the Declaration is, and then he ſhall declare all the Declaration of the Cuſtoms and Services; and then the Tenant, who was Plaintiff, ſhall become Defendant, and ſhall defend by Battel or great Aſſiſe.

Conſultation.

Conſultation.

Conſultation eſt un Brief, per que un Cauſe eſteant per devant remove per Prohibition hors del Court Eccleſiaſtical, ou Court Chriſtian, al Court le Roy, eſt la return arere: Car ſi les Judges del Court le Roy, comparont le Libel ove le Suggeſtion del Partie, trovant le Suggeſtion faux, ou nient prove, & pur ceo le Clauſe deſtre tortiouſment appel del

Conſultation is a Writ, where by a Cauſe being formerly removed by Prohibition out of the Eccleſiaſtical Court or Court Chriſtian, to the King's Court, is returned thither again: for if the Judges of the King's Court, comparing the Libel with the Suggeſtion of the Party, find the Suggeſtion falſe, or not proved, and therefore the Cauſe to be wrongfully called from the

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Court Chriſtian; then, upon his Conſultation, for Delibe-ration, they decree it to be re-turned again; whereupon the Writ in this Caſe obtained is called a Conſultation. Of this you may read the Regiſt. Orig. fol. 44. until fol. 58. Old Nat. Brev. fol. 32. and Fitz. Nat. Brev. fol. 30.

Contenement

Contenement ſeems to be the Freehold-land that lies to the Tenement or Dwelling-houſe that is in his own Occu-pation: for in Magna Charta, cap. 14. there are theſe Words; A Free-man ſhall not be amer-ced for a ſmall Fault, but accord-ing to the Quantity of the Fault, and for a great Fault, according to the Manner thereof, ſaving to him his Contenement or Freehold: And a Merchant ſhall ſo be amerced, ſaving to him his Merchandizes; and a Villain, ſaving to him his Wainage.

Contingent Uſe.

A Contingent Uſe is ſuch a Uſe as may or may not happen to veſt. See more of this in Chudleigh's Caſe, Co. Rep. 1.

Continual Claim.

A Continual Claim is, where a Man hath Right to enter in-to certain Lands whereof ano-ther is ſeiſed in Fee, or Fee-tail, and dares not enter for fear of Death or beating, but ap-proaches as nigh as he dares, and makes Claim thereto with-in the Year and Day before the Death of him that hath the Lands; if after he who hath the Land die ſeiſed, and his

Court Chriſtien; donque ſur ceo Conſultation ou De-liberation, ils decree ceo deſtre returne arere; ſur que le Brief en ceo caſe obtaine eſt appel un *Conſul-tation*. De ceo vous poyes lier le *Regiſt. Orig. fol.* 44. jeſque *fol.* 58. *Vet. Nat. Brev. fol.* 32. & *Fitz. Nat. Brev. fol.* 50.

Contenement.

Contenement ſemble deſtre le Franktenement terre que giſt al Tenement ou Mea-ſon que eſt en ſon occu-pation demeſne: car en *Magna Charta, cap.* 14 la ſont ceux parols; *Un Frank home ne ſerra amercie pur un petit of-fence, mes accordant al quan-titie del offence, & pur un grand offence, mes accordant al manner de ceo, ſavant a luy ſon* Con-tenement *ou Franktenement: Et un Merchant ſerra auxy amercie ſavant a luy ſes Mer-chandizes; & un Villain, ſa-vant a luy ſon Gainage.*

Contingent Uſe.

Contingent Uſe eſt un tiel Uſe que poit ou ne poiet happer de veſter. Veies pluis de ceo en *Chudleigh's* Caſe, Co. *Rep* 1.

Continual Claime.

Continual Claime eſt, lou home ad droit de enter en certain Terres dont un auter eſt ſeiſie en Fee, ou Fee-tail, & il ne oſaſt enter pur pavor de mort ou bat-terie, mes approche cy pres come il oſaſt, & fait Claime a ceo deins le An & Jour devant le mort de ceſtuy que ad le Terre; ſi apres ceſtuy que ad le Terre devie ſeiſie, & ſon

ſon Heire eſt eins per diſcent, uncore ceſtuy que fait tiel Claime poit enter ſur le Heire nient contriſteant tiel diſcent, pur ceo que il ad fait tiel continual Claime. Mes il covient que ceſt Claime touts foits ſoit fait deins l'An & Jour devant le mort le Tenant; car ſi tiel Tenant ne moruſt ſeiſie deins l'An & Jour apres tiel Claime fait, & uncore il que ad droit noſaſt enter, donques covient al ceſtuy que ad tiel droit de faire auter Claime deins l'An & Jour apres le primer Claime, & apres tiel ſecond Claime, de faire le tierce Claime, deins l'An & Jour, ſil voit eſte ſure de ſaver ſon Entry.

Mes ſi le Diſſeiſor devie ſeiſie deins l'An & Jour apres le Diſſeiſin, & nul Claime fait, donques le Entrie le Diſſeiſee eſt tolle, car l'An & Jour ne ſerra priſe de le temps del title de Entrie a luy accrue, mes ſolement de le temps del darraine Claime per luy fait, come eſt avant dit. Veies pluis de ceo en *Littl. l.* 3. *c.* 7. & veies le *Stat.* 32 *H.* 8. *cap.* 33.

Continuance.

Continuance en le Common Ley eſt de meſme ſignification ove *Prorogation* en le Civile; come Continuance jeſque le procheine Aſſiſe, *Fitz. Nat. Brev.* 154 *f.* & 244. *d.* en queux ambideux lieus il eſt dit, Que ſi un Record en le Treaſurie ſoit alledge per l'un Partie, & denie per lauter, un *Certiorari* ſerra ſue al Treaſurer & le Chamberleine de Exche-

Heir is in by Deſcent, yet he that makes ſuch Claim may enter upon the Heir, notwithſtanding ſuch Deſcent, becauſe he hath made ſuch continual Claim. But ſuch Claim muſt always be made within the Year and the Day before the Death of the Tenant; for if ſuch Tenant do not die ſeiſed within a Year and a Day after ſuch Claim made, and yet he that hath Right dares not enter, then it behoves him that hath ſuch Right, to make another Claim within the Year and Day after the firſt Claim, and after ſuch ſecond Claim, to make the third Claim within the Year and Day, if he will be ſure to ſave his Entry.

But if the Diſſeiſor die ſeiſed within the Year and Day after the Diſſeiſin, and no Claim made, then the Entry of the Diſſeiſee is taken away, for the Year and Day ſhall not be taken from the Time of the Title of the Entry to him grown, but only from the Time of the laſt Claim by him made as is aforeſaid. See more hereof in Litt. l. 3. c. 7. and ſee the Stat. 32 H. 8. cap. 33.

Continuance.

Continuance in the Common Law is of the ſame Signification with Prorogatio in the Civil; as Continuance until the next Aſſiſe, Fitz. Nat. Brev. 154. f. and 244. d. in both which Places it is ſaid, That if a Record in the Treaſury be alledged by the one Party, and denied by the other, a Certiorari ſhall be ſued to the Treaſurer and the Chamberlain of the Exche-

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quer; and if they do not certifie in the Chancery that such Record is there, or that it is like to be in the Tower, the King shall send to the Justices, repeating the said Certificate, and commanding them to continue the Assise. In this Signification it is also used by Kitchin, 202, and 199. also Anno 11 H. 6. cap. 4.

Continuando.

Continuando is a Word used when the Plaintiff would recover Damages for several Trespasses in the same Action: for in one Action of Trespass he may recover Damages for divers Trespasses, laying the first with a Continuando to the whole Time; and is in this form, Continuando Transgressionem prædictam, &c. a prædicto die, &c. usque talem diem, and including the last Trespass.

Contract.

A Contract is a Bargain or Covenant between two Parties, where one thing is given for another, which is called Quid pro quo; as if I sell my House for Money, or if I covenant to make you a Lease of my Manor of Dale, for Consideration of twenty Pounds that you shall give me; these are good Contracts, because there is one thing for another. But if a Man make a Promise to me, that I shall have xx s. and that he will be Debtor to me thereof, and after I ask the xx s. and he will not deliver it; yet I shall never have any Action to recover this xx s. because this Promise was no Contract, but meer Promise: and Ex nudo

quer; & fils ne certifie pas en le Chancerie que tiel Record est la, ou que est semblable destre en le Tower, le Roy mittera al Justices, recitant le dit Certificate, & commandant eux de continuer le Assise. En ceo signification est auxy use per *Kitchin*, 202, & 199. auxy *an.* 11 *H.* 6. *cap.* 4.

Continuando.

Continuando est un Parol use quand le Plaintiff voile recover Damages pur pluſors Treſpaſſes en meſme le Action: Car en un Action de Treſpaſs poies recover Damages pur diverſe Treſpaſſes, giſant le primer ove un *Continuando* al tout le temps, & est en ceſt Forme, *Continuando Tranſgreſſionem prædictam, &c. a prædicto die, &c. uſque talem diem*, & iſſint includant le darrein Treſpaſs.

Contract.

Contract est un Bargain ou Covenant perenter deux parties, lou un choſe est done pur auter, que est appel *Quid pro quo*; come ſi jeo vende mon Chival pur argent, ou ſi jeo covenant de fair Leaſe a vous de mon Manor de *Dale*, en conſideration de xx l. que vous dones a moy, ceux ſont bone Contracts, pur ceo que il ad un choſe pur auter. Mes ſi un home fait promiſe a moy, que jeo avera xx s. & que il voile eſte Dettour a moy de ceo, & puis jeo demande xx s. & il ne voile a moy deliver; uncore jeo navera jammes Action pur recover ceſt xx s. pur ceo que ceſt Promiſe ne fuit Contract, mes *nudum Pactum*, & *Ex nudo*

Pacto

Pacto non oritur Actio. Mes si aſcun choſe fuit done pur le xx s. meſque il fuit forſque al value de un denier, donques il fuit bone Contract.

Pacto non oritur Actio. If any thing were given for twenty Shillings, though it were but to the Value of a Peny, then it had been a good Contract.

Contra formam Collationis.

Contra formam Cellationis eſt un Brief que giſt lou home done Terres en perpetual Almoigne a aſcun Meaſon de Religion, come a un Abbe & ſon Convent, ou auter Soveraigne, ou al Gardien ou Maſter de aſcun Hoſpital & ſon Covent, de trover certain pover homes, & de faire aut' Divine ſervice; ſils alien les Terres, donques le Donor ou ſes heires averont le dit brief pur recover le Terre. Mes ceſt Brief ſerra touts foits port vers le Abbot ou ſon ſucceſſor, & nemy vers l'Alienee, coment que il ſoit Tenant: Mes en touts auters Action lou home demand Franktenement, le Brief ſerra port vers le Tenant del Terre. Vide le Stat. *Weſt.* 2. *cap.* 41.

Contra formam Collationis.

Contra formam Collationis is a Writ that lies where a Man hath given Lands in perpetual Alms to any of the Houſes of Religion, as to an Abbot and his Convent, or other Sovereign, or to the Warden or Maſter of any Hoſpital and his Convent, to find certain poor Men, and to do other Divine Service: If they alien the Lands, then the Donor or his Heirs ſhall have the ſaid Writ to recover the Land. But the Writ ſhall be always brought againſt the Abbot or his Succeſſor, and not againſt the Alienee, although he be Tenant. But in all other Actions where a Man demands Freehold, the Writ ſhall be brought againſt the Tenant of the Land. See the Stat. Weſt. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti eſt un Brief que giſt lou un home devant le Statute de *Quia emptores terrarum*, fait 18 *Ed.* 1. infeoffe aut' per fait de faire certain Service; ſi le Feoffor ou ſes heires diſtrain luy de faire auter Service que eſt compriſe en le Fait, donques le Tenant avera ceſt Breve, luy commandant que il ne diſtrain luy de fair auter Service que neſt compriſe

Contra formam Feoffamenti.

Contra formam Feoffamenti a Writ that lies where a Man before the Statute Quia emptores terrarum, made 18 Ed. 1. infeoffed another by Deed to do certain Service, if the Feoffor or his Heirs ſtrain him to do other Service than is compriſed in the Deed, then the Tenant ſhall have this Writ, commanding him not to diſtrain him to do other Service than is com-

in the Deed. But this rit lies not for the Plaintiff o claims by Purchaſe from e firſt Feoffee, but for the ir to the firſt Feoffee.

Contributione facienda.

Contributione facienda is a Writ that lies where there e divers Parceners, and he o hath the Part of the el- t makes all the Suit to the rd, the others ought to ke Contribution to him, d if they will not, he ſhall e againſt them this Writ. ſome Caſes the Heir ſhall e Contribution, and in o- rs not, but ſhall be alone rged: For if a Man be ed of three Acres of Land, acknowledges a Recogni- ce or Statute, &c. and in- s A. of one Acre, and B. another Acre, and the d deſcends to the Heir; if ecution be ſued againſt the r only, he ſhall not have ntribution againſt any Pur- or, yet he is charged as re-tenant, and not as Heir; the Land, and not himſelf, harged.

Yet if a Man be ſeiſed of two es, the one of the Nature Borough-Engliſh, and binds ſelf as before, and dies, ing Iſſue two Daughters, o make Partition, in this e, if the one be charged, ſhe l have Contribution: For one Purchaſor ſhall have ntribution againſt others, againſt the Heir of the uſee alſo; ſo one Heir l have Contribution a- t another Heir, for they in equal Degree. Alſo if a n ſo be bound, and after his th ſome of his Land de-

deins le Fait. Mes ceſt brief ne giſt pur le Plaintiff que claim per purchaſe del primer Feoffee, mes pur le heire al primer Feoffee.

Contributione facienda.

Contributione facienda eſt un Brief, & giſt lou ſont divers Parceners, & celuy que ad le part del eigne faic tout le ſuit al Seignior, les auters doyent faire Contribution a luy, & ſils ne voylent, il avera vers eux le dit Breve. En aſcuns caſes le Heire avera Contribution, & en auters nemy, mes ſerra ſolement charge: Car ſi home ſoit ſeiſie de troys Acres de terre, & conuſt un Recoguizance ou Statute, &c. & enfeoffe *A.* de un Acre, & *B.* de un auter Acre, & le tierce diſcend a ſon Heire; ſi Execution ſoit ſue ſolement vers le Heire, il ne avera Contribution vers aſcun Purchaſor, uncore il eſt charge come Terre-tenant, & nemy come Heire; car le Terre, & nemy luy meſme, eſt lie.

Uncore ſi home ſoit ſeiſie de deux Acres, l'un de nature de Borough-Engliſh, & lye luy meſme come devant, & moruſt, ayant iſſue deux files, queux font partition; en ceſt caſe, ſi l'un ſoit charge, el avera Contribution; car ſicome un Purchaſor avera Contribution vers auters, & vers le Heire le Conuſee auxy; iſſint un Heire avera Contribution vers auter Heire, car ils ſont *in æquali gradu.* Auxy ſi home ſoit iſſint lie, & puis ſon mort aſcun de ſon

terre

terre diſcend al Heir del part le pere, & aſcun al Heire del part le mere, l'un ſolement ne ſerra charge, mes ſil ſoit, il avera Contribution. En Dower, ſi le Tenant vouch le Heir en gard a troys ſeveral Seigniors, cheſcun ſerra owelment charge,

Si deux, quat', ou pluſors homes ſoyent ſeveralment ſeſie de Terre, & ils touts joyn' en un Recognizance; en ceſt caſe le Conuſee ne poit extend le Terre del aſcun de Conuſors ſolement, mes touts doient owelment eſtre charge: Car coment que le Terre del Conuſor meſme poit eſte ſolement extend quant divers homes ont purchaſe aſcun del Terre ſubject al Recogniſance, pur ceo que le Purchaſor eſt en auter degree que le Conuſor meſme; uncore un de les Conuſors ne ſerra ſolement charge, car il eſtoyt en owel degree ove les auters Conuſors. Auxy le tertenant d'un Debtor ſur un extent avera contribution de l'heir del Debtor, quel veies 1 *Cro. Eyer verſus Taunton.* Si Judgment ſoit done vers deux Diſſeiſors en Aſſiſe pur le Terre & damages, & l'un Diſſeiſor moruſt, l'Execut' ne ſerra agard vers le ſurviving Diſſeiſor que fuit party al tort, mes cybien le Heir come le Diſſeiſor ſerra owelment charge. Mes auterment eſt en perſonal lien; come ſi deux ſon lie en un Obligat', la le charge ſurvivera.

ſcends to the Heir of the [illegible] of the Father, and ſome to [illegible] Heir of the Part of the [illegible] ther; the one alone ſhall [illegible] be charged, but if he be, [illegible] ſhall have Contribution. [illegible] Dower, if the Tenant [illegible] ches the Heir in Ward [illegible] three ſeveral Lords, each [illegible] them ſhall be equally [illegible] ged.

If two, four, or more [illegible] be ſeverally ſeiſed of [illegible] and they all joyn in a [illegible] cognizance; in this Caſe [illegible] Conuſee cannot extend [illegible] Land of any of the Co[illegible] ſors alone, but all ought equ[illegible] ly to be charged: For tho[illegible] the Land of the Conuſor h[illegible] ſelf may be only extended [illegible] divers Men have purch[illegible] any of the Land ſubject to [illegible] Recognizance, becauſe the P[illegible] chaſor is in another Degree t[illegible] the Conuſor himſelf; yet [illegible] of the Conuſors ſhall not [illegible] ſolely charged, for he ſtands [illegible] equal Degree with the other [illegible] nuſors: Alſo the Tertenant [illegible] Debtor upon an Extent [illegible] have Contribution of the Ten[illegible] the Debtor, which ſee 1 C[illegible] Eyer againſt Taunton. If Ju[illegible] ment be given againſt two [illegible] ſeiſors in Aſſiſe for the L[illegible] and Damages, and one Di[illegible] ſor dies, the Execution [illegible] not be awarded againſt the [illegible] biving Diſſeiſor that was P[illegible] ty to the Wrong, but as [illegible] the Heir as the Diſſeiſor [illegible] be equally charged. But ot[illegible] wiſe it is in perſonal bindi[illegible] as if two are bound in an [illegible] ligation, there the Charge [illegible] ſurvive.

And where it is ſaid, that the one Purchaſor ſhall have Contribution, it is not thereby intended, that the others ſhall give or allow unto him any Thing by Way of Contribution; but it ought to be intended, that the Party that is ſolely extended for all may by an Audita querela, or Scire facias, as the Caſe requires, defeat the Execution, and thereby ſhall be reſtored to all the mean Profits, and Force the Conuſee to ſue Execution of all the Land: So in this Manner every one ſhall be contributory, viz. the Land of every Terre-tenant ſhall be equally extended.

Convict.

CONvict, Convictus, is he that is found guilty of an Offence by Verdict of the Jury, Staundf. Pl. Coron. 186. But Crompton out of Dyer, fol. 275. ſaith, That Conviction is, either when a Man is outlaw'd, or appeareth and confeſſeth, or elſe is found Guilty by the Inqueſt. Crompt. Juſt. of Peace, fol. 9. a. Conviction and Attainder are often Times confounded. See Attaint. A Recuſant convict is a Perſon that hath been legally preſented, indicted and Convicted for refuſing to come to Church to hear the Common-Prayer, according to the ſeveral Statutes of 1 Eliz. c. 2. 23 Eliz. c. 1. and 3 Jac. 1. c. 4. This Term is generally given to Papiſts, tho' any other refuſing to come to Church in like Manner, are properly Recuſants. See Jury.

Et ou eſt dit, que le un Purchaſor avera Contribution, neſt per ceo entend, que les auters doneront ou alloweront a luy aſcun choſe per voy de Contribution; mes doit eſtre entend que le Partie que eſt ſolement extend pur tout poit per *Audita querela*, ou *Scire facias*, come le caſe require, defeat le Execution, & per ceo ſerra reſtore a tous les meſne profits, & chaſer le Conuſee de ſuer Execution de tout le terre: Iſſint en ceſt manner cheſcun ſerra contributorie, ceſtaſcavoir, le Terre de cheſcun Terre-tenant ſerra owelment extend.

Convict.

CONvict, *Convictus*, eſt celui que eſt trove culpable d'aſcun Offence per Verdict del Jury. *Staundf. Pl. Coron. 186.* Mes *Crompton* hors de *Dyer fol.* 275. diſt, que Conviction eſt, ou quand un home eſt utlage, ou appiert & confeſs, ou auterment eſt trove culpable per l'Inqueſt. *Crompt. Juſt. de Peace fol. 9. a.* Conviction & attainder ſont ſovent foits confondus. Veies *Attaint.* Un Recuſant Convict eſt un perſone que ad eſte loyalment preſented, indict & convict pur refuſant a vener al Eſgliſe a oyer le *Common-Prayer*, ſolonque les ſeveral Eſtatutes de 1 *Eliz. c.* 2. 23 *Eliz. c.* 1. & 3 *Jac.* 1. *c.* 4. Ceſt Terme eſt generalment done as Papiſts, uncore que aſcun auter refuſant a vener al Eſgliſe en meſme le manere ſont cy properment Recuſants. Veies *Jury.*

Convocation.

Convocation eſt communement priſe pur le Aſſembly de touts les Clerks pur conſult' de choſes Eccleſiaſtical en temps de Parlement: Et ſi come la ſont deux Meaſons de Parlement, iſſint la ſont deux lieus appel Meaſons de Convocation; l'un appel le pluis Alt Meaſon de Convocation, ou les Archieveſques & Eveſques ſedont ſeveralment per eux meſmes; laut' l'Inferior Meaſon de Convocation, ou tout le reſidue des Clerks ſedont. *Vide Prolocutor.*

Conuſance.

Conuſance de Plee eſt un Privilege que un Citie ou ville ad per grant le Roy, de tener Plee de touts Contracts, & des Terres deins le precinct del Franchiſe, & que quant aſcun home eſt impleade per aſcun tiel choſe en le Court le Roy al *Weſtm.* les Maiors ou Bayliffs de tiels Franchiſes, ou lour Attornies, poient demander Conuſance del Plee, ceſtaſcavoir, que le Plee & le matter ſerra plead & determine devant eux.

Mes ſi le Court al *Weſtminſter* ſoit loyalment ſeiſie del Plee devant que Conuſance ſoit demand, donques ils ne averont Conuſance pur ceſt Suit, pur ceo que ils ont neglige lour temps de demande ceo: Mes ceo ne ſerra barre al eux de aver Conuſance en aut' Action; car ils poyent demand Conuſance en un Action, & omit ceo en un auter, a lour pleaſure.

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Convocation.

Convocation is commonly taken for the Aſſembly of all the Clergy to conſult of Eccleſiaſtical Matters in Time of Parliament: And as there are two Houſes of Parliament, ſo there are two Places called Convocation-Houſes; the one called the Higher Convocation-houſe, where the Archbiſhops and Biſhops ſit ſeverally by themſelves; the other, the Lower Convocation-houſe; where all the reſt of the Clergy ſit. Vide Prolocutor.

Conuſance.

Conuſance of Pleas is a Privilege that a City or Town hath by the King's Grant, to hold Plea of all Contracts, and of Lands within the Precinct of the Franchiſe, and that when any Man is impleaded for any ſuch Thing in the Court of the King at Weſtm. the Mayors or Bailiffs of ſuch Franchiſes, or their Attorneys, may ask Conuſance of the Plea, that is to ſay, that the Plea and the Matter ſhall be pleaded and determined before them.

But if the Court at Weſtminſter be lawfully ſeiſed of the Plea before Conuſance be demanded, then they ſhall not have Conuſance for that Suit, becauſe they have neglected their Time of Demand thereof: but this ſhall be no Bar to them to have Conuſance in another Action; for they may demand Conuſance of one Action, and omit it in another, at their Pleaſure.

And note, That Conuſance lies not in Preſcription, but it behoves to ſhew the King's Letters Patents for it.

Coparceners.

COparceners. See Parceners.

Copy.

COpy ſignifies in a legal Sense the Example or Tranſcript of an Original Writing; as the Copy of a Charter, the Copy of a Court-Roll, &c.

Copyhold.

COpyhold is a Tenure for which the Tenant hath nothing to ſhew but the Copies of the Rolls made by the Steward of his Lord's Court: For the Steward, as he inrolls all other Things done in his Lord's Court, ſo he doth alſo ſuch Tenants as are admitted in the Court to any Parcel of Land or Tenements belonging to the Manor; and the Tranſcript of this is called the Court-Roll, the Copy whereof the Tenant takes from him, and keeps as his only Evidence. Coke lib. 4. fol. 25. This Tenure is called a Baſe Tenure, becauſe it holds at the Will of the Lord. Kitchen, fol. 80. Fitz. Nat Brev. fol. 12. b. c. who ſaith, it was wont to be called Tenure in Villenage, and that this Copyhold is but a new Name. Yet it is not ſimply at the Will of the Lord, but according to the Cuſtom of the Manor; ſo that if a Copyholder break not the Cuſtom of the Manor, and thereby forfeit his Tenure, he ſeems not ſo much

Et notes, que Conuſance ne giſt en Preſcription, mes il covient monſtre Letters Patents le Roy pur ceo.

Coparceners.

COparceners. Veies *Parceners.*

Copie.

COpie ſignifie en un legal Sens l'Example ou Tranſcript d'un original Eſcript; ſicome la Copie d'un Charter, la Copie d'un *Court-Roll*, &c.

Copyhold.

COpyhold eſt un Tenure pur quel le Tenant ad riens a monſtre forſque les Copies des Rolles fait per le Seneſchal del Court ſon Seignior: Car le Seneſchal, ſicome il enroll' touts aut's choſes faits en le Court le Seignior, iſſint il auxy fait tiels Tenants que ſont admitte en le Court a aſcun parcel de Terre ou Tenements apperteynant al Manor; & le Tranſcript de ceo eſt appel *Court Roll*, le Copie de que le Tenant priſt de luy, & detient come ſon ſole Evidence. *Co. lib 4. fol. 25.* Ceſt Tenure eſt appel Baſe tenure, pur ceo que tient al volunt le Seignior. *Kitchen, fol. 80. Fitz. Nat. brev. fol 12. b. c.* que dit, que fuit accuſtome deſtre appel Tenure en Villenage, & que ceſt Copyhold neſt forſque un novel noſme. Uncore neſt meerement al volunt le Seignior, mes accordant al Cuſtome del Manor; iſſint que ſi un Copyholder ne pas infreint le Cuſtome del Manor, & per ceo forfeit ſon Tenure, ne ſemble tant

destoyer al volunt son Seignior pur son droit, come destre dislieu quand a luy pleist. Les Customes de Manors sont infinite variant en un point ou auter fere en chescun several Manor.

Primerment, ascun Copyhold est fineable, & ascun certain. Ceo que est fineable le Seignior assesse a quel Fine que il voyle, quand le Tenant est a ceo admit: ceo que est certain est un sort de enheritance, & appel en plusors lieus Customary, pur ceo que le Tenant morant, & le Tenure esteant void, le prochein du sangue, payant le customary Fine ne poit estre denie destre admit.

Secondment, ascun Copyholders ont per Custome les Boys crescant sur lour terre demesne, quel per le Ley ils ne poyent aver.

Tiercement, la sont Copyholders que tient per le Verge en Ancient demesne, & nient obstant ils tient per Copy, uncore ils sout en nature de Frankrenants; car si tiel home fait Felony, le Roy ad an, jour, & vast, come en case de Franktenement. Ascun aut's tient per Common Tenure, appel *mere Copyholds*, & sils commit Felony, lour terre jammes escheatera al Seignior del Manor.

West. part 1. *lib.* 2. *sect.* 646. issint define un Copyholder; Tenant per Copy de Court-roll est celuy que est admit Tenant de ascun Terres ou Tenements deins un Manor, que temps ouster le memorie du home, per use & custome del dit Manor, ont este dimisable as tiels que

to stand at his Lord's Courtesie for his Right, as to be displaced when he pleases. The Customs of Manors are infinite, varying in one Point or other almost in every several Manor.

First, some Copyhold is fineable, and some certain, That which is fineable the Lord rates at what Fine he pleases, when the Tenant is admitted unto it: that which is certain is a kind of Inheritance, and called in many Places Customary, because the Tenant dying, and the Tenure being void, the next of Blood, paying the customary Fine, cannot be denied Admittance.

Secondly, some Copyholders have by Custom the Woods growing upon their own Land, which by the Law they cannot have.

Thirdly, there are Copyholders that hold by the Verge in Ancient Demesne, and although they hold by Copy, yet they are in Nature of Freeholders; for if such a one commit Felony, the King hath the Year, Day, and Waste, as in Case of Freehold. Some others hold by Common Tenure called mere Copyhold, and if they commit Felony, their Land presently escheats to the Lord of the Manor.

West. part 1. lib. 2. sect. 646. defines a Copyholder thus: Tenant by Copy of Court-roll is he who is admitted Tenant of any Lands or Tenements within a Manor, which Time without the Memory of Man by Use and Custom of the said Manor, have been demisable

to ſuch as will take the ſame in Fee, Fee-tail, for Life, Years, or at Will, according to the Cuſtom of the ſaid Manor, by Copy of Court-roll.

Coraage.

COraage is an Impoſition extraordinary, growing upon ſome unuſual Occaſion, and ſeems to be of certain Meaſures of Corn. Bract. lib. 2. cap. 16. numb. 6. uſes Corus tritici for a Meaſure of Corn; and in the ſame Chapter, numb. 8. hath theſe Words: There are certain common Preſtations, which are not called Services, neither do they ariſe from Cuſtom, unleſs ſome neceſſary Occaſion happen, or that the King comes; ſuch are Hidage, Coraage, and Caruage, and many others, which are performed in Caſes of Neceſſity, by the common Conſent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unleſs he hath eſpecially tied himſelf thereto by his own Deed.

Coram non Judice,

IS when an Action is brought in a Court, whereof the Judges have not any Juriſdiction: Then it is ſaid to be Coram non Judice. 2 Cro. 351. Powel's Caſe.

Cordwayner.

COrdiner or Cordwayner comes from the French Cordvannier, that is, a Shoemaker, from a kind of Leather which the French-men called Cordavan. And it is a Word much uſed in our Statutes, as in thoſe of 3 Hen. 8. cap. 10. 5 Hen. 8. cap. 7. & 1 Jac. cap. 22.

pernderont le meſme en fee, fee-taile, pur vie. ans, ou a volunt, accordant al Cuſtome del dit Manor per Copy de Court-roll.

Coraage.

COraage eſt un Impoſition nient ordinary, foundue ſur aſcun nient uſual choſe, & ſemble deſtre de certain Meaſures de Grain. *Bract. lib. 2. cap. 16. numb. 6.* uſe ceux parols, *Corus tritici*, deſtre un meaſure de Graine; & en meſme le Capit', *num.* 8. ad ceux parols: *Sunt enim quædam communes Præſtationes, quæ Servitia non dicuntur, nec de Conſuetudine veniunt, niſi cum neceſſitas intervenerit, vel cum Rex venerit: ſicut ſunt Hidagia, Cornagia, & Caruagia, & alia plura de neceſſitate, & ex conſenſu communi totius Regni introducta, & quæ ad Dominum Feudi non pertinent; & de quibus nullus tenetur tenens' ſuum acquietare, niſi ſe ad hoc ſpecialiter obligaverit in Charta ſua.*

Coram non Judice,

EST quand un Action eſt port en un Court, dont les Judges n'ont aſcun Juriſdiction: Adonques il eſt dit d'eſtre *Coram non Judice.* 2 *Cro.* 351. *Powel's* Caſe.

Cordwayner.

COrdiner vel *Cordwayner* venuſt de cel *Francois Cordvannier. id eſt, Sutor calcearius, a Corii genere quod* Cordavan *apud Gallos i nominatur.* Et eſt un parol mult uſe en noſtre Statutes, come en 3 *H.* 8. *cap.* 10. & 5 *H.* 8. *cap.* 7. & 1 *Jac.* 22.

Cornage.

Cornage eſt un ſort de Grand Serjeanty, le Service de quel Tenure eſt, de ventier un Cornu quant aſc' Invaſion des enemies del Pais Artique eſt deſcrie. Et per ceſt pluſors homes tiendront lour t're en les partes Septentrionals, environ le Pariet communement appel *l'Pariet des Pict. Cam. Br. p.* 609.

Veies *Littleton, fol.* 35. ou il dit, Que en le Marches de *Eſcoce* aſcun teignont del Roy per Cornage, ceſtaſcavoir, per ventier un Cornu, pur garner homes de Pais quant ils oyent que Enemies veignont; quel Service eſt *Grand Serjeanty.*

Corodie.

Corodie eſt un Allowance de Meat, Pane, Boyer, Argent, Veſtments, Lodging & tiels choſes neceſſary put ſuſtenance. Ceo aſcun foits eſt certain, ou le certainty des choſes eſt limit; aſcun foits uncertain, lou neſt limit en certainty que il aver.

Et aſcun de eux commence per Graunt fait per aſcun home al auter, & poet eſtre pur vie, ans, en taile, ou fee: & aſcun Corodies ſont de common droit, ſicome cheſcun Founder de Abbeys & auters Meaſons Papiſticks avoyent authoritie de aſſigner en meſme les Meaſons, pur ſon Pere, Frere, Couſin, ou auter que il voit, ſil fuit un Meaſon de Moignes; & ſi il ſoit Founder del Meaſon de Nuns, donques ceo pur ſa Mere, Soer, ou auter Mulier: & touts

Cornage.

Cornage is a kind of Grand Serjeanty, the Service of which Tenure is to blow an Horn when any Invaſion of the Northern Enemy is perceived. And by this many Northward held their Land about the Wall commonly called the Picts Wall. Cambden's Brit. pag. 609.

See Littleton, fol. 35. where he ſaith, That in the Marches of Scotland ſome hold of the King by Cornage, that is to ſay, by blowing a Horn, to warn the Country when they hear that the Enemies will come; which Service is Grand Serjeanty.

Corody.

Corody is an Allowance of Meat, Bread, Drink, Money, Cloathing, Lodging, and ſuch like Neceſſaries for Suſtenance. It is ſometimes certain, where the Certainty of things is ſet down; ſometimes uncertain, where the Certainty is not ſet down which he ſhall have.

And ſome of them began by Grant made by one Man to another, and it may be for Life, Years, in Tail, or in Fee: And ſome Corodies are of common Right, as every Founder of Abbeys and other Houſes of the Popiſh Religion had Authority to aſſign ſuch in the ſame Houſes, for his Father, Brother, Couſin, or other that he would appoint, if it were a Houſe of Monks; and if he were Founder of a Houſe of Nuns, then for his Mother, Siſter, or other Woman: and always this

this was provided for, that he that had a Corody in a House of Monks, might not send a Woman to take it; nor where Corody was due in a Nunnery, there it was not lawful to appoint a Man to receive it; for in both cases such Presentation was to be rejected. And this Corody was due as well to a common Person, Founder, as where the King himself was Founder. But where the House was holden in Frankalmoigne, there the Tenure it self was a Discharge of Corody against all Men, except it were afterward charged voluntarily; as when the King would send his Writ to the Abbot for a Corody for such a one, whom they admit, there the House should be thereby charged for ever, whether the King were Founder or not. See the Writ of Corodio habendo R. Fitz. Nat. Brev. fol. 230.

Coroner.

A Coroner is an ancient Officer of Trust, and of great Authority, ordained to be a principal Conservator or Keeper of the Peace, to bear Record of the Pleas of the Crown, and of his own View, and of divers other things, &c. And therefore in the Time of Ed. 1. it was enacted, That forasmuch as mean Men and indiscreet now of late are commonly chosen to the Office of Coroner, where it is requisite that wise Men, lawful and able, should execute such Offices, it is provided, That through all Shires sufficient Men shall be chosen to be Coroners, out of the most wise and discreet Knights

jours ceſt proviſo fuit, que il que ad Corodie en un Meaſon de Moignes, ne duiſt mitter un feme de prender ceo, ne ou Corodie fuit due en un Nunnerie, la il ne fuit loyal de appointer un home de receiver ceo; car en ambideux caſes tiel Preſentation fuit deſtre reject. Et ceſt Corodie fuit due cybien a un common perſon Founder, ſicome ou le Roy meſme fuit Founder. Mes ou le Meaſon fuit tenus en Frankalmoigne, la le Tenure meſme fuit un diſcharge de Corodie encounter touts homes, ſinon que il fuit apres charge voluntariment; come ou le Roy voit mitter ſon Brief al Abbey pur un Corodie pur un tiel, le que ils admit, la le Meaſon doit eſtre charge per ceo a touts jours, ſi le Roy ſoit Founder ou nemy. Veies Brief de *Corodio habendo* en *Fit. Nat. Brev. fol.* 230.

Coroner.

C*Oroner* eſt un ancient Officer de truſt & de grand Authority, ordeine deſtre un principal Conſervator ou Gardian de le Peace, a port record des Plees del Corone, & del ſon view demeſne, & de divers auters choſes, *&c.* Et pur ceo en temps de *Ed.* 1. fuit enact, Que, pur ceo que petit Gentes meins ſages ſoyent eſlieus ore de novel communement al Office del Coroner, ou meſtier ſerroit que probes homes, loyalx, & ſages, ſe entermellant de cel Office; purview eſt, Que per touts le Counties ſoient eſlieus ſufficient homes Coroners, de pluis loyalx & pluis

ſages Chivalers, que mieulx ſachant puiſſent & voilent a cel Office entender, & que loyalment attachent & repreſentent les Plees del Corone.

Et nient obſtant le letter de ceſt Statute ne ſoit preciſement obſerve, uncore al meins l'entent doit eſtre purſue cy pres come poit; iſſint que pur le default des Chivalers & Gentlehomes, furniſhed ove tiels qualities ſicome le Statute parle, (de que ils y ad divers) auters poient eſte eſlieu, ove ceſt addition que ils ſoyent vertuous & bone Chriſtians. Veies de ceo en le Brief *de Coronatore eligendo* en *Fitzh. Nat. Brev. fol.* 163.

Quand le Coroner eſt de enquirer del mort de aſcun Perſon, ou faire auter choſe concernant ſon Office, il doit ceo faire en Perſon; & ſur le ſubit mort de aſcun, il meſme doit veyer le mort corps quand il fait enquirie, ou auterment l'enquirie neſt bone; car ſil voile enquirer de aſc' mort perſon ſans luy veyer, ceo eſt ſans authoritie, & iſſint void. Et ſi le corps ſoit enterre devant ſon venu, il doit ceo recorder en ſes Rolles, al entent que le Ville ou l'enterrement fuit fait, ſerra amerce pur ceo devant les Juſtices en Eyre, ſur le view des Rolles del Coroner. Et nient meins le Coroner doit defover le corps hors del Terre, & prendre l'enquirie ſur view del corps, come il ſerroit ſil navoit eſte enterre; & la Ville ſerra auxi amerce, ſils ſuffront luy giſer ſur la Terre a putrefaction ou grand ordeur, ſans mander al Coroner. Et ſi le Coroner which beſt know, can and will attend this Office, and which faithfully will make and repreſent the Pleas of the Crown.

And although the Letter of this Statute be not preciſely obſerved, yet at leaſt the Intent ſhould be followed as nigh as might be; ſo that for the Default of Knights and Gentlemen, furniſhed with ſuch Qualities as the Statute ſets down (of which ſort there are many) others might be choſen, with this Addition, that they be vertuous and good Chriſtians. See hereof in the Writ de Coronatore eligendo, in Fitz. Nat. Brev. fol. 163.

When the Coroner is to enquire of the Death of any Perſon, or to do other thing concerning his Office, he ought to do it in Perſon; and upon the ſudden Death of any one, he himſelf ought to ſee the dead Body when he makes Inquiry or otherwiſe the Inquiry is not good; for if he will inquire of any dead Perſon without View this is without Authority, and ſo void. And if the Body be buried before his coming, he ought to record it in his Rolls to the Intent that the Town where the Burying was, ſhould be amerced for it before the Juſtices in Eyre, upon the Sight of the Coroner's Rolls. And nevertheleſs the Coroner ought to take up the Body out of the Ground, and make the Inquiry upon View of the Body as he ſhould do if it had not been buried; and the Town ſhall alſo be amerced, if they ſuffer it to lie on the Ground to putrify or ſtink, without ſending

ending to the Cozoner. And if the Cozoner be negligent in coming to do his Office, after the Bailiffs oz Country-men have sent foz him, he shall be punished.

Although by the Law the Cozoner cannot enquire of any Felony, but the Death of a Man; yet it hath been said, that in Northumberland they enquire of all Felonies; but this Authority they maintain by Prescription. If a Man be killed or drowned in the Arms oz Creeks of the Sea, where a Man may see Land from the one Part to the other, the Cozoner shall enquire thereof, and not the Admiral, foz that the Country may well have Knowledge thereof.

But the Cozoner of the King's House hath an exempt Jurisdiction within the Verge, and the Cozoner of the County cannot intermeddle within it; as the Cozoner of the House cannot intermeddle within the County out of the Verge.

If the Demandant oz Plaintiff be nonsuited, oz if Judgment be given against the Tenant oz Defendant, oz such like, the Justices never set any Amerciament, but the Clerk of the Warrants makes Estreats thereof, and delivers them to the Clerks of Assise within every Circuit, to deliver them to the Cozoners in every County, to levie oz assess the Amerciaments, because they are thought most indifferent, forasmuch as they are chosen by the whole County,

roner soit negligent en venir a fair son Office, apres que les Bailiffs, ou homes de Pais ont mande pur luy, il serra punie.

Coment que per le Ley le Coroner ne puit enquirer de asc' Felonie, forsque de mort de home; tamen ad este dit, que en *Northumberland* il enquirront de touts Felonies; mes cel authoritie ils maintenont per Prescription. Si home soit occise ou merge en les braches ou sauses del mere, lou home poiet veier terre de un part & de auter, le Coroner enquirera de ceo, & nemy le Admiral, pur ceo que le Pais poit bien de ceo aver conusance.

Mes le Coroner del Hostel le Roy ad un exempt jurisdiction deins le Verge, & le Coroner del Countie ne poit entermeddle deins ceo; sicome le Coroner del Hostel ne poit entermeddle deins le Countie hors del Verge.

Si le Demandant ou Plaintiff soit non-sute, ou si Jugement soit done vers le Tenant ou Defendant, ou semblables, les Justices ne unques assesseront ascun Amerciament, mes le Clerk des Garrants fait Estreats de eux, & deliver eux aux Clerks de Assise deins chescun Circuit, a deliver eux al Coroners en chescun Countie, de asserer & assesser l'Amerciaments, pur ceo que ils sont pense pluis indifferent, entant que ils sont elect per tout le Countie.

Si

Si un Approver dit, que il commence ſon Appeale devant le Coroner per Dures, ceo ſerra trie per le Coroner; & ſi le Coroner ceo denie, l'Approver ſerra pendus. Per queux caſes il appiert, que le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation eſt un choſe permanent, que poit aver ſucceſſion: & eſt un Aſſembly & joyning enſemble de divers en un Fellowſhip, Fraternitie, & Ment, de que un eſt le Teſte & Principal, les auters ſont le Corps; & ceſt Teſte & Corps joynt enſemble font le *Corporation*. Et de Corporations, aſcun ſont Spirituals, aſcuns Temporals; & de Spirituals, aſcun fueront Corporations de mort Perſons en Ley, & aſcuns auterment; & aſcun ſont per Authoritie del Roy ſolement, aſcuns ont eſte de un mixt Authoritie.

Et de ceux queux ſon Temporal, aſcuns ſont per Authoritie de Roy auxy, & aſçuns per le Common Ley del Royalm.

Corporation Spiritual, & de mort Perſons en le Ley, eſt lou le Corporation conſiſt de un Abbe & Covent, queux ont lour commencement del Roy, & le Pape, quand il y ad a faire cy.

Corporation Spiritual, & del able Perſons en Ley, eſt, lou le Corporation conſiſt de un Dean & Chapter, Maſter del Colledge ou Hoſpital; & ceſt Corporation ad commencement de Roy ſolement.

If an Appzover ſaith, The he began his Appeal befo the Cozoner by Dureſs, th ſhall be tried by the Coz ner; and if the Cozoner d nies it, the Appzover ſha be hanged. By which caſe it appears, That the La gives much Credit and Auth rity to the Cozoners.

Corporation.

COrporation is a permanen thing, that may have Su ceſſion: and it is an Aſſemb and joining together of ma into one Fellowſhip, Bzothe hood, and Mind, whereof o is Head and Chief, the r are the Body; and this He and Body knit together ma the Corporation. And of Co pozations, ſome are ſpiritua ſome tempozal: And of ſp ritual, ſome are Cozpozation of dead Perſons in Law, a ſome otherwiſe; and ſome a by Authozity of the King on and ſome have been of a m Authozity.

And of thoſe that are te pozal, ſome are by the Auth rity of the King alſo, and ſo by the Common Law of t Realm.

Corporation ſpiritual, and dead Perſons in the Law, where the Cozpozation conſi of an Abbot and Convent, wh had Beginning of the King, a the Pope when he had to here.

Corporation ſpiritual, and able Perſons in Law, is, wh the Cozpozation conſiſts of Dean and Chapter, Maſter a College oz Hoſpital; and t Cozpozation had Beginning the King only.

C

Corporation temporal by the ing is, where there is a ayor and Commonalty.

Corporation temporal by Au=ority of the Common Law, the Assembly in Parliament, ich consists of the King, the d of the Corporation; the ods Spiritual and Temporal, the Commons of the Realm, Body of the Corporation.

Bodies politick.

Bodies politick are Bishops, Abbots, Priors, Deans, rsons of Churches, and such , which have Succession in Person only.

If Land be given to a or and Commonalty for Lives, they have an Estate ntendment not determina= So it is if a Feoffment ade of Land to a Dean Chapter, without speaking Successors. Release of a or any Sum of Mo= due to the Corporation, his own Name, is not in Law. In case of a Corporation, or Body po= as Bishop, Parson, , Master of Hospital, &c. Chattel, either in Action ession, shall go in Suc= , but the Executors or nistrators of the Bishop, n, &c. shall have them; ccession in a Body po= is as Inheritance in a Body private. But ile it is in case of a Cor= n composed of many, as n and Chapter, Mayor Commonalty, and such there they in Judg= the Law never die.

Corporation Temporal per le Roy est un Mayor & Communaltie.

Corporation Temporal per Authoritie del Common Ley est le Assembly en Parliament, le quel consist del Roy, le Teste del Corporation; les Seigniours Spirituals & Temporals, & les Commons del Royalm, le Corps del Corporation.

Corps politique.

Corps politique sont Evesques, Abbes, Priors, Deans, Parsons d'un Esglise, & tiels semblables, queux ont succession en un Person solement.

Si Terre soit done al Maior & Communaltie pur lour vies, ils ont Estate per entendment nient determinable. Issint est si Feoffment soit fait de Terre al Deane & Chapter, sans parlance de Successors. Release d'un Maior pur ascun summe de argent due al Corporation en son nosme demesne nest bone en Ley. En case de un sole Corporation, ou Corps politique come Evesque, Parson, Vicar, Master de Hospital, *&c.* nul Chattel, ou en Action ou Possession, alera en Succession, mes les Executors ou Administrators del Evesque, Parson, *&c.* eux avera; car Succession en Corps politique est come Enheritance en case de un Corps private. Mes autrement est en case d'un Corporation aggregate de plusors, come Deane & Chapter, Maior & Communaltie, & semblables; car la ils en jugement del Ley ne unques deviont.

Un=

Uncore le caſe del Chamberlain de *Londres* differt de toutes ceux, & ſon Succeſſor poit en ſon noſme demeſne aver Execution de un Recogniſance conuſt a ſon Predeceſſor pur Orphanage money: & le reaſon eſt, pur ceo que en ceſt caſe le Corporation del Chamberlain eſt per Cuſtome, & meſme le Cuſtome que ad luy create, & fait un Corporation en Succeſſion quand al dit ſpecial purpoſe concernant Orphanage, ad enable le Succeſſor a prender tiels Recogniſances, Obligations, &c. que ſont fait a ſon Predeceſſor. Et tiel Cuſtome eſt foundue ſur grand reaſon; car les Executors ou Adminiſtrators del Chamberlain ne doient entermeddle ove tiels Recogniſances, Obligations, &c. queux per le Cuſtome ſont priſe en le corporate capacity del Chamberlain, & nemy en ſon private. Mes Eveſque, Parſon, &c. ou aſcun ſole Corporation, que ſont Corps politique per Preſcription, ne poyent prender Recogniſance ou Obligation, mes ſolement a lour private, & nemy en lour politique capacity; car la fault Cuſtome a prender Chattel en lour politique ou corporate capacitie.

Yet the Caſe of the Chamberlain of London differs from all theſe, and his Succeſſor may in his own name have Execution of a Recogniſance acknowledged to his Predeceſſor for Orphanage Money, and the Reaſon is, becauſe in this caſe the Corporation of the Chamberlain is by Cuſtom, and the ſame Cuſtom that hath created him, and made a Corporation in Succeſſion, as to the ſaid ſpecial purpoſe concerning the Orphanage, hath enabled the Succeſſor to take ſuch Recogniſances, Obligations, &c. that are made to his Predeceſſor. And this Cuſtom is founded upon great reaſon, for the Executors or Adminiſtrators of the Chamberlain ought not to intermeddle with ſuch Recogniſances, Obligations, &c. which by the ſaid Cuſtom are taken in the Corporate Capacity of the Chamberlain, and not in his private. But a Biſhop, Parſon, &c. or other ſole Corporation, that are Corporacies politick by Preſcription, cannot take a Recogniſance or Obligation, but only to their private, and not in their politick capacity; for they have no Cuſtom to take a Chattel in their politick or corporate capacity.

Corpus cum Cauſa, vel Habeas Corpus.

Corpus cum cauſa, or Habeas Corpus.

Corpus cum Cauſa eſt un Brief iſſuant hors del Chancery, a remover enſemble le Corps & le Record del Cauſe de aſcun home en Execution ſur Judgment pur Dett, en Banque le Roy, &c. cy remainer donque il ad ſatisfie le

COrpus cum Cauſa is a Writ iſſuing out of the Chancery to remove both the Body and the Record of the Cauſe of a Man lying in Execution upon a Judgment for Debt in the King's Bench, &c. to lie till he have ſatisfied the Jud

dgment. Fitzh. Nat. Brev. 251. e.

It lies also to remove any tion from inferior Courts of rord into any of the three urts of Law in Westminster.

Corruption of Blood.

orruption of Blood is, when any one is attainted of Fe= y or Treason, then his Blood laid to be corrupt; by means reof neither his Children, any of his Blood, can be irs to him, or to any other ritor, for that they ought claim by him. And if he e a Noble or Gentleman be=, he and all his Children are e thereby ignoble and un=tle, having regard to the bility or Gentry they claim their Father, which cannot rstored by the King's Grant, hout Authority of Parlia=nt.

But if the King will pardon Offender, it will cleanse the ruption of the Blood of those dren which are born after Pardon, and they may in= the Land of their Ance=, purchased, at the Time the Pardon, or afterwards; t so cannot they who were n before the Pardon. Also hat is attainted of Treason Felony shall not be Heir s Father: But this Disa=y shall hinder others to be , so that during his Life the d shall rather escheat to the of the Fee, than descend nother.

ut if he who is attainted, without issue of his Bo= during the Life of his ior, then his younger Bro=, Sister or Cousin shall in=; for if the eldest Son be

Judgment. *Fitzh. Nat. Brev. fol.* 251. *e.*

Ceo gist auxy a remover un Action hors des inferior Courts de Record en aſcuns Courts del Ley en *Weſtm.*

Corruption de Sanke.

C*Corruption de Sanke* eſt, quant aſcun eſt attaint de Felony ou Treaſon, donques ſon Sanke eſt dit deſtre *corrupt*; per reaſon de quel ſes enfants, ne aſcun de ſon Sanke, ne poient eſtre heires a luy, ne al aſcun auter Anceſtor, pur ceo que ils doyent claime per luy. Et ſil fuit Noble ou Gentlehome devant, il & toutes ſes enfants per ceo ſont faits ignoble & ungentle, ayant regard al Nobilitie ou Gentrie ils claime per lour pere, que ne poit eſte ſane arere per Grant le Roy ſans authoritie de Parliament.

Mes ſi le Roy voile pardon l'offendor, il voile purger le Corruption del Sanke des tiels iſſues queux ſont nee puis le Pardon, & ils poyent inherit le terre de lour Anceſtor purchaſe al temps del Pardon, ou apres; mes iſſint ne poyent ils queux fueront nee devant le Pardon. Auxy il que eſt attaint de Treaſon ou Felonie ne ſerra heir a ſon pere: mes ceſt diſabilitie eſtoppera auters deſtre ſon heire, iſſint que durant ſon vie le terre potius eſchetera al Seigniour del Fee, que diſcende al auter.

Mes ſi il que eſt attaint moruſt ſans iſſue de ſon corps, durant le vie ſon Anceſtor, donque ſon puiſne Frere, Soer, ou Couſin inheritera: Car ſi leigne fits ſoit pendue,

pendus, ou abjure le terre pur Felonie, durant le vie le Pere, il neſt impediment mes que le puiſne fits puit inheriter. 27 *Ed.* 3. *c.* 77. Et ſil que eſt attaint de Treaſon ou Felonie en le vie de ſon Anceſtor, purchaſe le Pardon le Roy devant le mort ſon Anceſtor, uncore il ne ſerra Heire al dit Anceſtor, mes la Terre potius eſchetera al Seigni. our del Fee per le Corruption del Sanke, 26 *Aſſ. placit.* 2. Mes ſi leigne fits ſoit Clerk convict en le vie ſon Pere, & puis ſon Pere moruſt; en ceſt caſe il inheritera la Terre ſon Pere, pur ceo que il ne fuit attaint de Felonie; car per le Common Ley il ſerroit inherit puis que il ad fait ſon Purgation. Et jammes per le Stat. de 18 *Eliz cap* 6. il ſerra ſubit enlarge puis le arſer en le maine, & deliver hors de priſon, & nient commit al Ordinary a fair ſon Purgation; mes il eſt en meſme plite come il ad fait ſon Purgation.

Si home que ad Terre en droit ſa feme ad iſſue, & ſon Sanke eſt corrupt per Attainder de Felony, & le Roy luy pardon; en ceſt caſe, ſi le feme moruſt devant luy, il ne ſerra Tenant per le curteſie, pur le Corruption del Sanke de cel iſſue. Mes autrement eſt ſil ad iſſue puis le Pardon; car donque il ſerra Tenant, nient obſtant que le iſſue que il avoit devant le Pardon ne ſoit inheritable, 13 *H.* 7. *cap.* 17.

hanged, or abjure the Rea for Felony, during the Life the Father, it is no Impe ment but that the youngeſt S may inherit. 27 Ed. 3. cap. And if he who is attaint Treaſon or Felony in the L of his Anceſtor, purchaſe King's Pardon before the De of his Anceſtor, yet he ſh not be Heir to the ſaid A ceſtor, but the Land ſh rather eſcheat to the Lord of Fee by the Corruption Blood. 26 Aſſ. pla. 2. If the eldeſt Son be a Cl convict in the Life of his Fat and after his Father dies; this caſe he ſhall inherit Father's Land, becauſe was not attainted of Felo for by the Common L he ſhould inherit after he made his Purgation. now by the Statute of 18. cap. 6 he ſhall be forthw enlarged after burning in Hand, and delivered out of P ſon, and not committed to Ordinary to make his Purg on; but he is in the ſ caſe as if he had made his P gation.

If a man that hath Land Right of his Wife hath I and his Blood is corrupt Attainder of Felony, the King pardons him; this Caſe, if the Wife before him, he ſhall not Tenant by the Courteſie, the Corruption of the B of that Iſſue. But if otherwiſe if he hath Iſſue the Pardon; for then he ſha Tenant, although the I which he had before the don be not inheritable. 13 7. cap. 17.

If a Man ſeiſed of Land hath
ſſue two Sons, and the Eldeſt
attainted in the Life of his Fa-
er of Felony, and therefore ex-
uted, or otherwiſe dies during
e Life of his Father, and af-
r the Father dies ſeiſed; the
and ſhall deſcend to the Young-
Son, as Heir unto his Fa-
er, if the Eldeſt Son hath no
ſſue then alive. But if the El-
ſt Son, who was attaint,
th any Iſſue alive, which
ould have inherited but for the
ttainder, the Land ſhall eſ-
eat to the Lord, and ſhall not
end to the youngeſt Brother,
cauſe the Blood of the eldeſt
other is corrupt. 32 Hen. 8.
er. 48.

But it is to be noted, That
re are divers Things made
reaſon by Act of Parlia-
nt, whereof although a Man
attainted, yet his Blood is
t corrupt, neither ſhall he
eit any Thing, but that
ich he hath for his own Life;
if a Man be attainted upon
Statute of 5 Eliz. cap. 1.
ained againſt the Maintain-
of the Authority of the
hop and See of Rome, this
ll not extend to make any
rruption of Blood, the Diſ-
ance of an Heir, Forfeiture
any Dower; nor to the Pre-
ce of the Right or Title of
Perſon, other than the Of-
er during his natural Life
y.

So if a Man be attainted by
ce of the Statute of 5 Eliz.
11. provided againſt the
pping, Waſhing, Filing,
ounding of Money, yet
re is no Corruption of Blood.
the ſame Manner is it of
Statute of 18 Eliz. cap. 1.

Si home ſeiſie de Terre
ad iſſue deux fits, & leigne
eſt attaint en le vie ſon
Pere de Felonie, & pur
ceo execute, ou auterment
moruſt durant le vie de ſon
pere, & puis le pere moruſt
ſeiſie; le Terre diſcendra al
puiſne fits, come Heire a ſon
pere, ſi leigne fits nad iſſue
donques en vie. Mes ſi le
eigne fits que fuit attaint,
ad aſcun iſſue en vie, que
inheritera mes pur le at-
tainder, le Terre eſcheatera
al Seignior, & ne diſcen-
dera al puiſne frere, pur ceo
que le Sank del eigne frere
eſt corrupt. 32 *Hen.* 8. *Dyer*
48.

Mes eſt deſtre obſerve,
Que la ſont aſcuns choſes
fait Treaſon per Act de Par-
lement, de queux comment
que home ſoit attaint, uncore
ſon Sanke neſt corrupt, & il
forfeitera riens, forſque ceo
que il ad pur ſon vie de-
meſne: Come ſi home ſoit
attaint ſur le Stat. de 5 *Eliz.*
cap. 1. ordeigne envers le
maintenance del authoritie
del Eveſque & See de *Rome*.
ceo ne extendera a faire aſ-
cun Corruption de Sanke,
le diſheritance d'aſcun Heire,
forfeiture d'aſcun Dower, ne
al prejudice del droit ou
title d'aſcun perſon, aut' que
le Offendor durant ſon natu-
ral vie ſolement.

Iſſint ſi home ſoit attaint
per force del Statute de 5 *El.*
cap. 11. provide encounter le
clipping, waſhing, filing &
rounding de Argent, uncore
la neſt aſcun Corruption de
ſanke. En meſme le manner
eſt del Stat. de 18 *Eliz. cap.* 1.

1.

1 *Jac. cap.* 12. 1 *Mar. cap* 12. encounter illoyal aſſemblies; & 5 *Eliz. cap.* 14. encounter le Forger de faits; & le Statute de 31 *Eliz cap.* 4. encounter le Embezilling le Ordnance, Armour, & Artillerie le Roigne.

Corſe preſent.

Corſe preſent ſont parols ſignificant un Mortuarie; & le reaſon pur que le Mortuarie eſt iſſint appel eſt, pur ceo que ou un Mortuarie ſoloit deſtre due, le *Corps* del mieux des Avers fuit, ſolonq; le Ley ou Cuſtome, offered ou *preſent* al Prieſtre. Veies *Ann.* 21 *H.* 8. *cap.* 6. ou enter aut' choſes eſt enact, Que nul Mortuary ne *Corſe preſent*, ne aſcun ſum de argent ou auter choſe, pur aſcun Mortuarie ou *Corſe preſent*, ſerra demaund, receive, ou ad, mes ſolement en tiels lieus & Villes ou Mortuaries ont eſtre accuſtome deſtee priſe & pay.

Coſinage.

Coſinage eſt un Brief que giſt lou mon Beſayel, mon Treſayel, ou aut' Couſin, devie ſeiſe in Fee-ſimple, & un Eſtranger abata, ceſt adire, ent' en les Terres; donques jeo avera vers luy ceſt Brief, ou envers ſon Heire, ou Alienee, ou envers quecunq; que aveign apres a les dits Terres. Mes ſi mon Ayel devie ſeiſie, & un Eſtranger abate; donques jeo avera un Brief de *Ayel.* Mes ſi mon Pere, Mere, Frere, Soer, Uncle ou Aunt, devie ſeiſie, & un Eſtranger

1 Jac. cap. 12. 1 Mar. cap. 1 againſt unlawful Aſſemblie and 5 Eliz. cap 14. againſt t Forging of Evidence; and t Statute of 31 Eiiz. cap. 4. agai the Embezilings of the Quee Ordnance, Armour, or Art lery.

Corſe preſent.

Corſe preſent are Words ſignifying a Mortuary; the Reaſon why the Mortu is ſo termed, is, becauſe wh a Mortuary was wont to due, the Body of the beſt Be was, accoding to the L or Cuſtom, offered or preſen to the Prieſt. See Anno Hen. 8. cap. 6. where amon ther Things it is enacted, T no Corſe preſent, nor any S of Money, or other Thing, any Mortuary or Corſe p ſent, ſhall be demanded, r ved, or had, but only in ſ Places and Towns wh Mortuaries have been ac ſtomed to be taken and paid

Coſinage.

Coſinage is a Writ that where my great Grandfat my Grandfather's Grandfat or other Couſin, dies ſe in Fee-ſimple, and a Stra abates, viz. enters into Lands, then I ſhall have gainſt him this Writ, or ag his Heir, or his Alienee, againſt whomſoever comes to the ſaid Lands: But if Grandfather die ſeiſed, a Stranger abates, then I have a Writ of Ayel. if my Father, Mother, ther, Siſter, Uncle, or die ſeiſed, and a Stra ab

abates; then I ſhall have an Aſſiſe of Mortdaunceſter.

Cottage.

COttage is a little Houſe for the Habitation of poor Men, without any Land belonging to it, whereof Mention is made in the firſt Statute made in 4 E. 1. And the Inhabitant of ſuch a Houſe is called a Cottager. But by a Statute made in the Thirty-firſt Year of the Queen Eliz. cap. 7. no Man may build ſuch a Cottage for Habitation, unleſs he lay unto it four Acres of Freehold-land; except in Market-Towns or Cities, or within a Mile of the Sea, or for the Habitation of Labourers in Mines, Sailors, Foreſters, Shepherds, &c.

Coucher.

COucher is a Factor who continues in ſome Place or Country for Traffick. Anno 27 E. 3. cap. 16. It is alſo uſed for the general Book into which any Corporation enters their particular Acts for a perpetual Remembrance of them.

Covenable.

COvenable is a French Word ſignifying Convenient or reaſonable; as Covenably endowed. Anno 4 Hen. 8. cap. 12. It is anciently written Convenable, as in the Stat. 27 Ed. 3. Stat. 2. cap. 17.

Covenant.

COvenant is an Agreement made by Deed in writing, ſealed between two perſons,

abata; donques jeo avera un Aſſiſe de *Mortdaunceſter.*

Cottage.

COttage (*Cottagium*) eſt un petite Meaſon pur le habitation de povers homes, ſans aſcun Terre a ceo apperteinant, come mention eſt fait en le primer Stat. fait en 4 E. 1. Et le inhabitant en tiel meaſon eſt appelle un *Cottager.* Mes per un Stat. fait en 31 le Roigne *Eliz. cap.* 7. nul home poit edifier tiel Cottage pur habitation, ſinon que il fait giſer a ceo quat' acres de Terre de Franktenement; except en Cities & Market-Boroughs, ou deins un mille del mere, ou pur le habitation des Laborers en Mines, Sailers, Foreſters, Paſtors, *&c.*

Coucher.

COucher eſt un Factor que remain en aſcun lieu ou Pais pur cheviſance. *Anno.* 37 *E.* 3. *cap.* 16. Il eſt auxy uſe pur le common Livre en que aſcun Corporat' entraſt lour particular Faits pur un perpetual regiſter de eux.

Covenable.

COvenable eſt un parol *François* que ſignifie *convenient* ou *ſuteable*, come *Covenably endowed. An.* 4 *Hen.* 8. *cap.* 12. Ceo eſt antiquement eſcrit *convenable*, come en le Stat: 27 *Ed.* 3. *Stat.* 2. *cap.* 17.

Covenant.

COvenant eſt un Agreement fait per Fait en eſcript, & enſele perenter deux perſons

ſons, lou cheſcun de eux eſt tenus al auter de performer certain Covenants pur ſon part; & ſi l'un de eux ne tient pas ſon Covenant, le auter avera ent un Brief de Covenant.

Et *Covenants* ſont ou en Ley, ou en Fait. *Cok. lib. 4. fol.* 80 ou Covenant expreſſe & Covenant en Ley. *Co. lib. 6 fol.* 17, Un *Covenant en Ley* eſt ceo que le Ley entend deſtre fait, nient contriſteant que en parols ne ſoit expreſſe: Come ſi home demiſe un choſe al aut' pur un certain t'me, le Ley entende un Covenant del part le Leſſor, que le Leſſee tiendra tout ſon term' encounter tout loyal encumbrances. *Covenant en Fait* eſt ceo que expreſſement eſt agree perenter les parties.

Auxy ia eſt Covenant meerment perſonal, & Covenant real. *Fitz. Nat Brev. fol.* 145. ſemble adire, que *Covenant real* eſt, per que home luy oblige de paſſer un choſe real, come Terres ou Tenements; ſicome Covenant de levier un Fine de Terre: *Covenant meerment perſonal* eſt, ou home Covenant ove auter per fait, de edifier un meaſon, ou de ſerver luy Veies le veil Livre de *Entries*, verbo *Covenant*.

Mes nota bien, Que nul Breve de Covenant ſerra mainteinable ſans eſpecialty, ſinon en le City de *London*, ou en aſcun auter tiel lieu privilege per cuſtome & uſe.

where each of them is bound to the other to perform certain Covenants for his Part; and if the one performs not his Covenant the other ſhall have thereupon a Writ of Covenant.

And Covenants are either in Law, or in Fact. Co. lib 4. fol. 80. or Covenant expreſſed, and Covenant in Law. Cok. lib. 6. fol. 17. A Covenant in Law is that which the Law intends to be done, though it be not expreſſed in Words: As if a Man demiſe any Thing to another for a certain Term, the Law intends a Covenant of the Part of the Leſſor, that the Leſſee ſhall hold all his Term againſt all lawful Incumbrances. Covenant in Fact is that which is expreſly agreed between the parties.

Alſo there is a Covenant meerly perſonal, and a Covenant real. F. N. B. fol. 145. ſeems to ſay, that Covenant real is, whereby a Man ties himſelf to paſs a Thing real, as Lands or Tenements; as a Covenant to levy a Fine of Land: Covenant meerly perſonal is, where a Man covenants with another by Deed, to build a Houſe, or to ſerve him. See the Old Book of Entries, in the Word Covenant.

But note well, That no Writ of Covenant ſhall be maintainable without Eſpecialty, except in the City of London, or in ſome other Place privileged by Cuſtom and Uſe.

Coverture.

COverture eſt, quant un home & un feme ſont eſpouſe enſemble; ore aſcun choſe que

Coverture.

COverture is, when a Man and a Woman are married together; now whatſoever is done

concerning the Wife in the Time of the Continuance of this Marriage, is said to be done during the Coverture, and the Wife is called a Woman Covert, and thereby is disabled to contract with any one, to the Prejudice of her self or her Husband, without his Consent and Privity, at the least without his Allowance and Confirmation. See Brook this Title. And Bract. saith, That all Things that are the Wife's are the Husband's; neither hath the Wife Power of her self, but the Husband, lib. 2. cap. 15. and the Husband is the Head of his Wife, lib. 4 cap. 24. and again, that in any Law-matter she cannot answer without her Husband, lib. 5. tract. 1. cap. 3. And if the Husband alien his Wife's Land during the Coverture, she cannot gain-say it during his Life.

By the Common Law the Wife of the King of England is a Person exempt from the King, and may take Lands and Tenements of the gift of the King, and may sue or be sued without the King. Co. Litt. 133. a.

Covin.

COvin is a secret Assent determined in the Hearts of two or more, to the Prejudice of another: As if a Tenant for term of Life, or Tenant in Tail, will secretly conspire with another, that the other shall recover against the Tenant for Life the Land which he holds, &c. in Prejudice of him in the Reversion.

Or if an Executor or Administrator permit Judgments to be entred against him by fraud, and plead them to a Bond, or any fraudulent Assignment or

fait concernount la feme en temps de la continuance de ceſt Marriage, eſt dit deſtre fait durant le *Coverture*, & le feme eſpouſe eſt appel un *Feme Covert*. & per ceo diſable de contracter ove aſcun, al prejudice de ſa meſme ou ſa baron, ſans ſon conſent ou privitie, al meins ſans ſon allowance ou confirmation. Veies *Brook* ceſt Title Et *Bracton* dit, Que touts choſes que ſont la femes, ſont le barons, nec ad la feme poyar de ſa meſme, mes le baron, *lib.* 2 *cap.* 15. & que le baron eſt le teſte ſa feme, *lib.* 4. *cap* 24. & arere, que en aſcun Choſe legal el ne poit reſponder ſans ſa baron. *lib.* 5. *tract.* 1. *cap* 3. Et ſi le baron alien le Terre ſa feme durant le Coverture, el ne poit ceo dedire en le vie ſa baron.

Per le Common ley la Feme del Roy de Engleterre eſt perſon exempt del Roy, & poit prender Terres ou Tenements del done del Roy, & poet ſuer ou eſtre ſue ſans le Roy *Co. Litt.* 133. *a.*

Covin.

Covin eſt un ſecret Aſſent determine en les eœurs de deux ou pluſors, al prejudice d'un auter: Come ſi Tenant pur terme de vie, ou Tenant en le taile, ſecretment conſpire ove un auter, que l'auter recovera vers le Tenant pur vie le Terre que il tient, *&c.* en prejudice de celuy en le Reverſion.

Ou ſi Executor ou Adminiſtrator permet Judgment deſtre enter envers luy per fraud, & plead eux al obligation; ou ſi aſcun fraudulent aſſignment ou

conveiance ſoit fait, la party grieve poet plead Cov.n & releive luy meſme. Veies Stat. 2 *R.* 2. *cap.* 3. 3 *H.* 7. *cap.* 4. 13 *Eliz. cap.* 5. & 27 *El. cap.* 4.

Count.

COunt eſt tant come l'original Declaration en un Proces, uncore pluis toſt uſe en real que perſonal Actions; come Declaration eſt pluis apply al perſonal que real. *F. N. B. 16. a* 60. *d n.* 71. *a* 191. *e.* 217 *a.* Libel ove les Civilians comprehend ambideux. Et uncore *Count* & Declaration ſont aſcun foits conſound; come *Count en Det, Kit.* 281. *Count* ou Declaration *en Appeal, Pl. Cor.* 78. *Count en Treſpaſs, Brit cap.* 26. *Court* en Action de Treſpaſs ſur le Caſe pur Slander, *Kitch.* 252. *Contours* ad eſte priſe pur tiels queux home receive de parler pur luy en aſcun Court come Advocates; & *Pleaders* deſtre un auter ſort, come Attornies pur un que eſt preſent en perſon, mes ſouffre un auter a dire pur luy. *Countours* per M. *Horne*, ſont tiels Serjeants erudite en les Leyes, que ſervont les lay gents de defender lour Actions en Judicature pur lour fee.

Countee.

COuntee *dicitur a comitando, quia comitantur Regem*; & fuit le pluis eminent & ſupreme dignitie del Conqueſt, jeſque le unziſme an del Roy *Ed.* 3. ou le Black Prince fuit create Duke de *Cornwal*: & ceux que de ancient temps fueront create Count', fueront de Sanke Royal; &

Conveyance be made, the Party grieved may plead Covin, and relieve himſelf. See the Stat. 2 R. 2 cap. 3. 3 H. 7. cap. 4. 13 El. cap. 5. and 27 El. cap .4.

Count.

COunt is as much as the Original Declaration in a Proceſs, though more uſed in real than perſonal Actions; as Declaration is more applied to perſonal than real, F. N. B. 16. a. 60. d. n. 71. a. 191. e. 217 a. A Libel with the Civilians comprehends both. Yet Count and Declaration are confounded ſometimes; as Count in Debt, Kitch. 281. Count or Declaration in Appeal, Pl. Cor. 78. Count in Treſpaſs, Brit. cap. 26. Count in Action of Treſpaſs upon the Caſe for a Slander, Kitch. 252. Countours have been taken for ſuch as a Man retains to ſpeak for him in any Court, as Advocates; and Pleaders to be another Sort, as Attorneys for one that is preſent himſelf, but ſuffers another to ſpeak for him. Countours, according to M. Horne, are ſuch Serjeants ſkilful in the Law which ſerve the Common People to defend their Actions in Judicature for their Fee.

Countee.

COuntee (ſo called a comitando, becauſe they accompany the King) was the moſt eminent and high Dignity from the Conqueſt, until the 11 Year of King Ed. 3. when the Black Prince was created Duke of Cornwall; and thoſe who in Antient Time were created Countees, were of Blood-Royal

and at this Day the King in all his appellations ſtyles them by the name of our moſt dear Couſin. And for theſe cauſes the Law gives them high and great Privileges; and therefore their body ſhall not be arreſted for Debt, Treſpaſs, &c. becauſe the Law intends that they aſſiſt the King with their Counſel for the publick Good, and keep the Realm by their Powers and Valour. Alſo for the ſame cauſe they ſhall not be put in Juries, although it be for the ſervice of the Country. And if Iſſue be taken, whether the Plaintiff or Defendant be a Countee or not, this ſhall not be tried by the Country, but by the King's Writ.

Alſo the Defendant ſhall not have a Day of favour againſt a Lord of the Parliament, becauſe he is intended to attend the Publick. And of ancient time the Countee was Præfectus or Præpoſitus Comitatus, and had the Charge and Cuſtody of the County: And now the Sheriff hath all the Authority for Adminiſtration and Execution of Juſtice which the Countee had, Cok. lib. 9. fol. 49. and therefore he is called Viſcount.

jeſq; a ceſt jour le Roy en touts ſes appellations ſtile eux per le noſme *Chariſſimi conſanguinei noſtri*. Et pur ceux cauſes le Ley done a eux haut & grand Privileges; & pur ceo lour corps ne ſerra arreſt pur Det, Tranſg', *&c.* pur ceo que le Ley entend que ils aſſiſtont le Roy ove lour counſel pur le weale publique, & gardont le Royalm en ſafetie per lour proweſſe & valour. Auxy pur meſme le cauſe ils ne ſerront miſe en Juries, coment que ceo ſoit pur le ſervice del Pais. Et ſi iſſue ſoit priſe, ſi le Plaintiff ou Defendant ſoit un *Countee* ou nemy, ceo ne ſerra trie per Pais, mes per le Brief le Roy.

Auxy le Defendant navera jour de grace vers le Seigniour del Parliament, pur ceo que il eſt intend de attender le publique. Et de ancient temps le *Countee* fuiſt *Præfectus. ſeu Præpoſitus Comitatus*, & ad le charge & cuſtodie del Countie: & ore le Viſcount ad tout l'Authoritie pur Adminiſtration & execution de Juſtice que le *Countee* avoit, *Cok. lib.* 9. *fol.* 49. & pur ceo eſt appelle *Viſcount*.

Countenance.

COuntenance ſeems to be uſed for Credit or Eſtimation. Old Nat. Brev. 111. in theſe words; The Attaint ſhall be granted to poor men that will take their Oaths they have not any thing whereof to make their Fine, ſaving their Countenance. In the ſame Manner it is uſed, 1 Edw. 3 Stat. 2. cap. 4. in theſe Words; She-

Countenance.

Countenance ſemble deſtre uſe pur Credance ou Eſteeme. *Viel N B.* 111. in ceux parols; Le Attaint ſerra grantus as povers homes que prendront lour ſerement que ils ont riens de que ils poyent faire lour Fine, ouſter lour *Countenance*. En meſme le manner eſt uſe 1 *Ed.* 3. *Stat.* 2. *cap.* 4. en

ceux parols; Viſcounts chargeront le Dettors le Roy ove tant que ils poyent levier ove lour Serements, ſans abatement del *Countenance* des Debtors.

Countermand.

Countermand eſt, quant choſe execute per devant eſt apres per aſcun act ou ceremony fruſtrate per le Party que ad ceo primes fait. Come ſi home ad fait ſon darreine Volunt, per que il deviſe ſon Terre al *J. S.* & puis il enfeoffe auter home de meſme le Terre, ore ceo Feoffment eſt un Countermand al Volunt, & le Volunt quant al diſpoſition del Terre eſt voide. Si feme ſeiſie de Terre en Fee fiſt ſa Volunt en eſcript, & per ceo deviſa, que ſi *A.* de *B.* luy ſurvivera, donque el deviſe & bequeath a luy & a ſes Heirs ſa Terre, & apres el entermarrie ove le dit *A.* de *B* ore, per priſel de luy a Baron & coverrure al temps de ſa mort, le Volunt eſt countermand.

Mes ſi un Baroneſs Widow retaine deux Chapleins ſolonque le Statute, & priſt un de Nobility a Baron, & puis le Baron moruſt, le Reteiner de ceux deux Chapleins remaine, & ils ſans novel Reteiner poient prender deux Benefices; car lour Reteiner ne fuit determine ne countermand per tiel Marriage.

Si feme eſt Leaſe a volunt, & puis priſt Baron, ceo Marriage neſt Countermand al Leaſe, ſans expreſſe matter fait

riffs ſhall charge the King's Debtors with as much as they may levy with their Oaths, without abating the Debtor's Countenance.

Countermand.

COuntermand is, where a thing formerly executed is afterward by ſome Act or Ceremony made void by the Party that hath firſt done it. As if a Man hath made his laſt Will, whereby he deviſes his Land to J. S. and afterwards he infeoffs another of the ſame Land, there this Feoffment is a Countermand to the Will, and the Will, as to the Diſpoſition of the Land, is void. If a Woman ſeiſed of Land in Fee makes a Will in writing, and deviſes that if A. of B. ſurvives her, then ſhe deviſes and bequeaths to him and his Heirs her Land, and afterwards ſhe entermarries with the ſaid A. of B. there, by taking him to Huſband, and Coverture at the Time of her Death, the Will is countermanded.

But if a Baroneſs Widow retains two Chaplains according to the Statute, and takes one of the Nobility to Huſband, and afterwards the Huſband dies, the Retainer of thole two Chaplains remains, and they, without new Retainer, may take two Benefices, for their Retainer was not determined nor countermanded by ſuch Marriage.

If a Woman makes a Leaſe at will, and afterwards takes an Husband, this Marriage is no Countermand to the Leaſe without expreſs matter done by

by the Husband after the Marriage to determine the Will. Also if a Lease be made at Will to a Woman, and she takes an Husband, the Lease continues notwithstanding the Marriage, and is no Countermand thereunto.

Counterplea.

Counterplea is, when one brings an Action, and the Tenant in his Answer and Plea vouches or calls any Man to warrant his Title, or prays in Aid of another who hath better Estate than he, as of him that is in the Reversion; or if one that is a Stranger to the Action come and pray to be received to save his Estate; if the Demandant reply thereto, and shew Cause that he ought not to vouch such a one, or of such a one to have Aid, or that such a one ought not to be received; this Plea is called a Counterplea to the Voucher, Aid, or Receit, as the Case is. But when the Voucher is allowed, and the Vouchee comes in and demands what Cause the Tenant hath to vouch him, and the Tenant shews his Cause, and the Vouchee pleads any thing to avoid the Warranty; that is, called a Counterplea of the Warranty.

Counter-Rolls.

By the Stat. of 3 E. 1. cap. 10. Sheriffs shall have Counter-Rolls with the Coroners, as well of Appeals, as of Enquests, &c.

per la Baron apres le Marriage a determiner le Volunt. Auxy si Lease soit fait al feme a volunt, & el prist Baron, le Lease continue nient obstant le Marriage, & il nest countermand al ceo.

Counterplee.

Counterplee est, lou un port un Action, & le Tenant en son Respons & Plee vouch ou appel ascun home pur garrant son Title, ou prayer ayd de auter que ad melior Estate, come de cestuy en la Reversion; ou si un estrange al Action vient & priera destre receive de saver son Estate; si le Demandant reply a ceo, & monstre cause que il ne doit tiel home voucher, ou de tiel home aid aver, ou que tiel home ne doit este receive; cest Plee est appel un *Counterplee al Voucher*, Ayde, ou Resceit, come le case est. Mes quand le Voucher soit allow, & le Vouchee vient eins & demande quel chose le Tenant ad de luy voucher, & le Tenant monstre son Cause, & le Vouchee plede ascun matter de avoid le Garrantie; ceo est appel *Counterplee del Garrantie*.

Counter-Rolls.

PER le Stat. 3 E. 1. *cap.* 10. les Eschevins auront Counter-Rolls ove les Coroners, cybien de Appeals, come de Enquests, &c.

Countie.

Countie eſt tant en ſignificat' come Shire, ambideux continent un Circuit ou Portion del Royalme, en que tout le Terre eſt apporc', pur le mieux governance de ceo, & pluis facile adminiſtrat' de Juſtice; iſſint que la neſt aſcun part del Royalm que ne pas giſt deins aſc' County: & cheſc' County eſt governe per un annual Officer, le quel nous appellomus Viſe, que ent' aut's duties apperteinant a ſon Office, mit en execut' touts les Mandats & Judgments des Courts le Roy, queux ſont deſtre execute deins le circuit. *Fort cap.* 2. De ceux Counties la ſont 4 pluis obſerve que autres, appel *County Palatines*, come *Lancaſter*, *Cheſter*, *Durham*, & *Ely*. *Ann* 5 *El. cap* 23. la ſoit auxy le Countie Palat' de *Hexam*. *Ann.* 33. *Hen.* 8. *cap.* 13. mes de ceo *Quære.*

Countie Palat' eſt Juriſdiction de cy alt nature que ou touts Plees touchant le vie ou maihem dun home appel Plees del Corone, ſont uſualment tenus & execure en le noſme le Roy, & ne poit eſtre fait en le noſme daſcun aut', le primer Gardians de ceux, per eſpecial Charter del Roy en temps par devant mitteront hors touts Briefs en lour noſme demeſne, & fairont touts choſes touchant Juſtice cy abſolutement come le Roy meſme en aut's Counties, ſolement conuſant luy deſtre lour Superiour & Soveraign. Mes per le Statute de 27 *H.* 2. *cap.* 25. ceſt poyer fuit mult abridge, le quel veies, & *Cro. Juriſdict.* 137.

County.

COunty ſignifies as much as Shire, both containing a Compaſs or Portion of the Realm, into which all its Land is divided, for the better Government thereof, and the more eaſie adminiſtring of Juſtice; ſo that there is not any Part of the Kingdom that lies not within ſome County: and every County is governed by a yearly Officer, whom we call Sheriff, who, among other Duties belonging to his Office, puts in Execution all the Commandments and Judgments of the King's Courts, that are to be executed within the Compaſs. Forteſcue cap. 2. Of theſe Counties there are four more remarkable than others, called County Palatines, as Lancaſter, Cheſter, Durham, and Ely. Ann. 5. El. cap. 23. There was alſo the County Palatine of Hexam, Ann. 33 Hen. 8. cap. 13. but thereof Quære.

A County Palatine is of ſo high a Nature, that whereas all Pleas touching the Life or maihem of a Man, called Pleas of the Crown, are uſually held and ſued in the King's Name and cannot be paſſed in the Name of any other, the theſe Governours of theſe, by ſpecial Charter from the King, here tofore did ſend out all Writs in their own Name, and did all things touching Juſtice as abſolutely as the Prince himſelf in other Counties, only acknowledging him to be their Superiour and Sovereign. But by the Statute of 27 H. 8. cap. 25. this Power was much abridged, which ſee, and Crom. Juriſdict. 137.

Beſides theſe two Sorts of Counties, there are alſo Counties corporate, as appears by the Statute of 3 Ed. 4, 5. and theſe are certain Cities or ancient Boroughs of the Land, upon whom the Princes of this Nation have beſtowed ſuch extraordinary Liberties; as London, York. Cheſter, Glouceſter, and many others.

County in another Signification is uſed for the County-Court which the Sheriff keeps every Month within his Charge, either by himſelf or his Deputy. See for this Dalton's Office of Sheriffs. Of theſe Counties or Shires there are reckoned to be thirty ſeven in England, beſides the twelve in Wales.

Court.

COurt is diverſly taken: ſometimes for the Houſe where the King remains with his ordinary Retinue; and alſo the Place where Juſtice is judicially miniſtred, of which you may find 32 ſeveral Sorts in Crompt. Juriſd. well deſcribed. And of thoſe the greater Part are Courts of Record; ſome are not, and therefore accounted Baſe Courts in compariſon of the others.

Beſides theſe, there are alſo Courts Chriſtian, ſo called, becauſe they handle Matters chiefly appertaining to Chriſtianity, and ſuch as without good knowledge in Divinity cannot be well judged of; being heretofore held by Archbiſhops and Biſhops, as from the Pope of Rome, but after his Ejection they held them by the King's Authority, by Virtue of his Magiſtracy, as the Admiral

Ouſter ceux deux ſorts de Counties, la ſont aux' *Counties corporate*, come appiert per le Statute d 3 *Ed.* 4, 5. & ceux ſont aſcun Cities ou viel Burghs del Terre, ſur queux les Roys de ceſt Gent ont don tiel Franchiſes extraordinaires; come *Lond'*, *Eborum*, *Cheſtr*, *Glouceſter*, & pluſors auters.

Countie en un auter ſignication eſt uſe pur le *Countie Court* que le Viſcount tient cheſcun moys deins ſon libertie, ou per luy meſme ou per ſon Deputie. Veies pur ceo *Dalton's Officium Vicecom.* De ceux Counties ou Shires la ſont account deſtre 37 en *Angleterre*, ouſter les 12 en *Galles*.

Court.

COurt eſt diverſment priſe: aſcun foits pur le Meaſon ou le Roy eſt preſent ove ſon ordinary attendants; & auxy le lieu ou Juſtice eſt judicialment miniſtre, de queux vous poies trove 32 ſeveral ſorts en *Crompt. Juriſd.* bien deſcribe. Et de ceux le greinder ſort ſont Courts de Record; aſcuns ne ſont, & pur ceo eſteem Baſe Courts en reſpect des auters.

Ouſter ceux auxy la ſont *Courts Chriſtian*, iſſint appel pur ceo que ils treat choſes eſpecialment apperteinent al Chriſtianiſme, & tiels que ſans bone ſcience en Theologie ne poient eſtre pas bien decide; eſteant tenus cydevant per Archieveſques & Eveſques, come de Pape de *Rome*; mes apres ſon ejectment ils tiendront eux per le Authoritie le Roy *Virtute Magiſtratus ſui*, come

me l'Admiral de *Angleterre* tient ſon Court: ſur que il proceed que ils mittront hors lour Citations en lour noſmes demeſne, & nemy en le noſme le Roy, come les Juſt. de Courts le Roy font; & pur ceo come l'Appeal de ceux Courts giſera al *Rome*, jammes per le Stat. de 25 *H* 8. *cap.* 19. il giſt al Roy en ſon Chancery,

Court-Baron.

Court-Baron eſt un Court que cheſcun Seign'dun Manor ad deins ſon Precincts demeſne. De ceſt Court & Court-Leet *Kitch* ad eſcrie un Livre pleine de bon erudition. Ceſt Court, come ſemble en *Cok. l.* 4. *f* 26. eſt double: Et pur ceo ſi home ayant un Manor en un Vil' granta le inheritance des touts les Copyholds a ceo appertenants a un aut', ceo Grantee poit tener un Court put le cuſtomary Tenants, & accepter Surrenders al uſe de auters, & fair Admittances & Grants. L' auter Court eſt del Franktenants, que eſt properment appel le *Court Baron*, en que les Franktenants, ſont Judges; ou del aut' Court le Seign' ou ſon Seneſchal eſt Judge.

Coutheutlaugh.

Coutheutlaugh eſt celuy que voluntariment receive home utlage, & relieva ou cacha luy; en quel caſe il fuit en veil temps liable al meſme le puniſhment que le homeutlage meſme fuit, *Br. lib.* 3. *Tr.* 2. *c.* 13. *n.* 2. Il eſt compoſe de *Couch*, *i.* conus & *Utlaw*, utlage, comes nous james eux appellomus.

of England holds his Cour whence it proceeds, that th ſend out their Precepts in th own Names, and not in t King's, as the Juſtices of t King's Courts do; and ther fore as the Appeal from th Courts did lie to Rome, n by the Statute of 25 Hen. 8. c 19. it lies to the King in t Chancery.

Court-Baron.

COurt-Baron is a Court t every Lord of a Man hath within his own Precinc Of this Court and Cou Leet Kirch. hath writ a learn Book. This Court, as ſeems in Cok. lib. 4. fol. 26. twofold: And therefore if Man having a Manor in Town grants the Inheritan of all the Copyholds ther to another, this Grantee m hold a Court for the cuſtoma Tenants, and accept of Su renders to the Uſe of other and make Admittances a Grants. The other Court of Freeholders, which is p perly called the Court-Bar wherein the Suitors, that the Freeholders, are Judge whereas of the other Co the Lord or his Steward Judge.

Coutheutlaugh.

COutheutlaugh is he that w tingly receives a Man o lawed, and cheriſhes or hi him; in which caſe he was ancient Time ſubject to ſame Puniſhment as the M outlawed was, Br. lib. 3. Tr. cap. 13. nu. 2. It is compoun ed of Couch, i. known, a Utlaw, outlawed, as we n call them.

Crana

Cranage.

Ranage is a Liberty to uſe a Crane for drawing up ares or Goods out of any ip, Boat or Barge, at any eek or Wharf, and to make ght of it. It is uſed alſo for Money that is taken for Work.

Creditor.

Reanſor or Creditor comes of the French Creance, that Confidence or Perſwaſion; it ſignifies him that truſts ther with any Debt, be it ney, Wares, or other things. Word is uſed in the Old B. in the Writ of Audita uela, f. 66. a.

Creek.

reek is that Part of a Haven from whence any is landed or diſbur- ed out of the Sea. And Word is uſed in the Stat. cap. 5. and 4 Hen. 4. cap. &c.

Croft.

oft is a little Cloſe or Pightle, adjoining to an e, uſed either for Paſture ble, as the Owners pleaſes. t ſeems to be derived from ld Word Creaft, that is, craft, becauſe the Lands for the moſt Part manu- ith the beſt Skill of the er.

Cucking-ſtool.

king-ſtool is an Engine vented for the Puniſhment olds and unquiet Wo- and it was called in ime a Tumbrel, as ap-

Cranage.

CRanage eſt un liberty pur uſer un Crane pur le extraire des Wares ou biens hors dun Niefe, Bargeau, ou Barge, al aſcun Creek ou Wharf, de faire benefit de ceo. Et uſe auxy pur les Deniers queux ſont priſes pur ceo labor.

Creanſor.

CReanſor venuſt del *Francois Creance*, id eſt, Perſuaſio; & ſignifie ceſtuy que confiſt auter ove aſcun Det, ſoit ceo en deniers, wares, ou auters choſes. Ceo parol eſt uſe en le *Veil N B.* en le Brief de *Audita querela*, *fol. 66. a.*

Creek.

CReek eſt ceſt part dun Havre de quel aſcun choſe eſt diſcharge ou disburden hors del Mere. Et ceſt parol eſt uſe en le 5 an del Roigne *El. cap.* 5. & 4 *H.* 4. *cap.* 20, *&c.*

Croft.

CRoft eſt un petite Clauſe ou Pightle adjoynant al un Meaſe, uſe ou pur paſture ou arable, come ceo pleiſt le owner. Et ſemble deſtre derive del vieux parol *Creoft*, id eſt, Handicraft, pur ceo que ceux terres ſont pur le plus part manures ove le principal craft del owner.

Cucking-ſtool.

CUcking ſtool eſt un Engine invent pur le puniſhment des Scolds & inquiet femes; & fuit appel en ancient temps un *Tumbrel*, come appiert per

Lam-

Lambard en ſon *Eirenarch, lib.* 1. *cap.* 12. Et per les caſes & Judgments en Eire, en le temps *Ed.* 3. Pillory & Tumbrel ſont appendant al un Leet, ſans queux droit ne poit eſtre fait as parties deins le view. *Keilwey, fol.* 140. *b.*

Et en le Stat. 51 *H.* 3. *c.* 6. ceo eſt appel *Trebuchet.*

Cui ante divortium.

C*Ui ante divortium* eſt un Brief que giſt quand Alienation eſt fait per le baron del Terre la feme, & puis Divorce eſt ew inter eux; donques la feme avera ceſt Brief, & le Brief dirra, *Cui ipſa ante Divortium contradicere non potuit.*

Cui in vita.

C*Ui in vita* eſt un Brief que giſt lou home eſt ſeiſie de Terres en Fee-ſimple, Fee-tail, ou pur vie, en droit ſa feme, & aliena meſme le Terre & devie; donques el avera ceſt Brief pur recoverer le Terre.

Et nota, Que en ceſt Brief ſon Title doit eſtre monſter, ſi ſoit de purchaſe, ou inheritance la feme. Mes ſi le baron alien le droit ſa feme, & le baron & la feme deviont, le Heire la feme avera un Brief de *Sur cui in vita.*

Cuinage.

C*Uinage.* Veies *Cuynage.*

pears by Lambard in his Eirenerch, lib. 1. cap. 12. And by the Taſes and Judgments in Eyre, in the Time of Ed. 3. Pillory and a Tumbrel are appendant to a Leet, without which Right cannot be adminiſtred to the Parties within the Wiew. Keilwey, fol. 140. b.

And in the Stat. 51 H. 3. 6. it is called Trebuchet.

Cui ante divortium.

CUi ante divortium is a Writ that lies when Alienation is made by the Husband of the Wife's Land, and after Divorce is had between them then the Woman ſhall have the Writ, and the Writ ſhall ſay Whom ſhe before the Divorce might not gain-ſay.

Cui in vita.

CUi in vita is a Writ that lies where a Man is ſeiſed of Lands in Fee-ſimple, Fee-tail, or for Life, in right of his Wife, and alienes the ſame, and dies; then ſhe ſhall have this Writ to recover the Land.

And note, That in this Writ her Title muſt be ſhewn whether it be of the Purchaſe or Inheritance of the Woman. But if the Husband alien the Right of his Wife, and then Husband and the Wife die, the Wife's Heir may have a Writ of Sur cui in vita.

Cuinage.

CUinage. See Cuynage.

Cuntey.

Cuntey cuntey is a kind of Trial, as appears by Bract. these words; The Matter this Case shall be ended by Cuntey Cuntey, as between Coirs. lib. 4. Tr. 3. cap. 18. And gain in the same Place; In a Writ of Right the Business shall determined by Cuntey Cuntey. nd thirdly, lib. 4. Tr. 4. cap. The Cause shall be tried by Writ of Right, neither by Batl, nor by the great Assise, but by ntey Cuntey only; which seems be as much as by an ordinary ury.

Curfew.

Curfew comes of two French Words, Couvrir, to cover, Feu, Fire. It is used h us for an evening Peal, which the Conqueror wil= every Man to take warn= for the raking up his Fire, putting out his Light: that in many Places at Day, when a Bell is cumably rung toward Bed, it is said to ring Curf.

Curia avisare vult.

Uria avisare vult is a Deliberation which the Court poses to take upon any dif=t Point of a Cause, before gment be resolved on. For h see the New Book of En, verbo *Curia &c*

Curia claudenda.

a Writ or Action to compel nother to make a Fence or ll, which the Defendant to make between his and the Plaintiff's.

Cuntey.

C*Untey cuntey* est un kind de Trial, come appiert per *Bract* en ceux parols; *Negotium in hoc casu terminabitur per* Cuntey cuntey, *sicut inter Coharedes. lib.* 4. *Tr.* 3. *c.* 18. Et arear en mesme le lieu; *In Brevi de recto negotium terminabitur per* Cuntey cuntey. Et tiercement, *lib.* 4. *Tr.* 4. *cap.* 1. *Terminabitur negotium per Breve de recto, ubi nec Duellum, nec magna Assisa, sed per* Cuntey cuntey *omnino*; le quel semble destre tant come per le ordinary Jury.

Curfew.

C*Urfew* vient des deux parols *Francois*, *Couvrir*, cover, & *Feu*, Fire. Est use ove nous pur un Peale vespre, per que le Conqueror command chesc' home de prender garnie pur le coverture de son Feu, & le extinguishment de son Lumen: issint que en plusors lieus a cest jour quand un Campane est usualment tinta prochein temps du Lect, il est dit de tinter *Curfew*.

Curia avisare vult.

C*Uria avisare vult* est un Deliberation que le Court entend prendre sur asc' difficile point de un Cause, devant Judgment soit resolve. Pur quel veies le *Novel Livre de Entries*, *verbo* Curia, *&c.*

Curia claudenda.

EST un brief ou Action a compeller auter a fair un fence ou mure que le def. doit fair ent' son terr' & la terre del Plaintiff.

Cur-

Currieur ou Courroieur.

Courroieur est un que dresse & liquor *Cuir*, & est issint appel del *Francois* parol *Cuir*, *id est*, *Corium*, Cest parol Currier est frequent en touts les Statutes faits pur le bon feasance de *Cuir*, come en 1 *Jac. cap.* 22, *&c.*

Cursitor.

Ursitor est un Officer ou Clerk apperteynant al Chancerie, que fait hors Original Briefs. 14 & 15 *H.* 8. *cap.* 8. Sont appel Clerks del *Ceurse* en le Serement des Clerks del Chancerie, appoint *Ann.* 18 *Ed.* 2. *stat.* 5. La sont de ceux vint quat', que ont allotta a chescun de eux ascun Counties, en le quels ils font hors tiel Original Breves que sont per le subject require, & sont un Corporation int' eux mesmes.

Curtesie de Angleterre.

Urtesie de Angleterre est, lou home prent feme seisie en Fee-simple, ou Fee tail general, ou seisie come Heir de la tail special, & ad issue per la Feme, Male ou Female; soit l'issue mort ou en vie, si la feme devie, le baron tiendra le Terre durant sa vie, per la Ley de *Angleterre*. Et est appel *Tenant per le Curtesie de Angleterre*, pur ceo que est use en nul auter Royalme forsque tantsolement en *Angleterre*. Si le Enfant ne unques soit vife, donque la baron ne serra Tenant per le Curtesie; mes si le issue soit nee en vie, ceo suffice.

Currier.

Currier is one that dresses liquours Leather, and is called of the French Word Cuir id est, Corium, Leather. The Word is used in all the Statutes made for the good making of Leather, as in 1 J cap. 22, *&c.*

Cursitor.

Cursitor is an Officer Clerk belonging to Chancery, who makes out Original Writs. 14 & 15 Hen cap. 8. They are called Clerks of Course in the Oath Clerks of the Chancery, pointed Anno 18 Ed. 2 Stat There are of them twenty four, to each of whom is lotted certain Shires, which they make out such Original Writs as are by Subject required, and are Corporation among themselves

Curtesie of England.

Curtesie of England is, when a Man takes a Wife in Fee-simple, or Fee-tail neral, or seised as Heir the Tail special, and hath by her, Male or Female the Issue dead or alive, if Wife die, the Husband hold the Land during his by the Law of England. he is called Tenant by Curtesie of England, but this is not used in any Realm, but only in Eng If the Infant was alive, then the Husband not be Tenant by the Cur but if the Issue be born it suffices.

If the Woman be delivered of a Monster, which hath not the Shape of Mankind, this is not Issue in Law: But though the Issue hath some deformity or Defect in the Hand or Foot, and yet hath human Shape, it suffices to make the Husband Tenant by the Curtesie. And in some cases the Time of the Birth is material, and in some not. Therefore if a Man marries a Woman Inheretrix, who is great with Child by him, and the Issue is ript forth of her belly alive; there he shall not be Tenant by the Curtesie, for it ought to begin by the Issue, and consummate by the death of the Woman, and the Estate of the Tenant by the Curtesie ought to avoid the immediate Descent. But if the Husband hath Issue by his Wife, and after Land descends to the Woman, be the Issue then dead or alive, he shall be Tenant by the Curtesie; for the Time of the Birth of the Issue is not material, if it be in the Life of the Woman.

If Lands be given to a Woman and the Heirs males of her body, and she takes a Husband, and hath Issue a Daughter, and dies; the Husband shall not be Tenant by the Curtesie, for the Issue cannot by any Possibility inherit the same Tenements. So as a Woman alien, marrying one of the King's Subjects, shall not be endowed, in the same Manner a Man alien shall not be Tenant by the Curtesie.

So if a Man seised of Land in right of his Wife be attainted of Felony, having Issue, and purchases the King's Par-

Si la feme soit deliver de un Monster, que nad le shape de homes, ceo nest pas Issue en Ley; Mes coment le issue ad ascun deformitie ou defect en le maine ou pee, & uncore ad humane shape, ceo suffist de faire le baron Tenant per le Curtesie. Et en ascun cases le Temps del nestre est material, & en ascun nemy. Pur ceo, si home prist feme Enheretrix, que est grandment enseint per luy, & le issue est rippe hors de sa venter en vie; ore il ne serra Tenant per le Curtesie, car ceo doit commencer per le issue, & consummate per le more la feme, & le Estate de Tenant per le Curtesie covient a toller le immediate discent. Mes si baron ad issue per sa feme, & puis Terre discend al feme, soit le issue donque mort ou en vie, il serra Tenant per le Curtesie; car le temps del nestre del issue nest material, si ceo soit en la vie sa feme.

Si Terres sont dones al feme & al Heires Males de sa corps, & el prist baron, & ad issue sile, & morust; le baron ne serra Tenant pur le Curtesie, car le issue ne poit per ascun possibilitie enherit' mesme les Tenements. Auxy come un feme alien, espousant un subject de Roy, ne serra endowe; en mesme le manner un home alien ne serra Tenant per le Curtesie.

Auxy si home seisie de Terre en droit sa feme soit attaint de Felony, ayant issue, & donque purchase le

Par-

Pardon le Roy, & puis ſon feme moruſt; la il ne ſerra Tenant per le Curteſie: Mes ſil ad iſſue per ſon feme née puis le Pardon, en tiel caſe il ſerra.

don, and after his Wife dies there he ſhall not be Tenant by the Curteſie: But if he hath Iſſue by his Wife born after the Pardon, in ſuch caſe he ſhall.

Curtilage.

CUrtilage eſt un Garden, Yard, Camp, ou piece de vacant Terre giſant prochein & apperteinant al Meſſuage. *Weſtm. part* 2. *ſect.* 26. Et iſſint eſt uſe 35 *H* 8. *c.* 4. 37 *Eliz.* 2. *Coke l.* 6. *f.* 64.

Curtilage.

CUrtilage is a Garden, Yard Field, or piece of void Ground lying near and belonging to the Meſſuage. Weſtm. part 2. ſect. 26. And ſo it is uſed 35 H. 8. c. 4. 39 Eliz. 2 Coke l. 6. f. 64,

Cuſtodes Libertatis Angliæ authoritate Parliamenti.

CEO fuit le Style en lequel Briefs & auters judicial Proceedings couroyent, durant les derniers temps de troubles, ceſt a dire, de le Meurtre du Roy *Charles* I. jeſque al Uſurpation per *Cromwel*, mentionne & declare trayterous per l'Eſtat. 12 *Car.* 2. *cap.* 3.

Keepers of the Liberty of England by Authority of Parliament.

THIS was the Style where in Writs and other judicial Proceedings did run, during the late Times of Trouble, viz. from the Murder of King Charles I. till the Uſurpation by Cromwel, mentioned and declared traiterous by the Stat. 12 Car. cap. 3.

Cuſtomary Tenants.

CUſtomary Tenants ſont tiel Tenants que tiegnont per la *Cuſtome* del Manor, come lour ſpecial Evidence.

Cuſtomary Tenants.

CUſtomary Tenants are ſuch Tenants as hold by the Cuſtom of the Manor, as their ſpecial Evidence.

Cuſtome.

CUſtome poit eſte define deſtre un Ley ou Droit nient eſcrie, que eſteant eſtablie per veil uſe, & le conſent de noſtre Anceſtors, ad eſte & journelment eſt miſe en ure. Cuſtom eſt ou general ou particular. *General* eſt ceo que eſt approve per tout *Angleterre*, de queux vous poyes lier en *Doctor & Student*, *L.* 1. *c.* 7. pluſors fort digne

Cuſtome.

CUſtom may be defined to be a Law or Right not written, which being eſtabliſhed by long Uſe and Conſent of our Anceſtors, hath been and daily is put in Practice. Cuſtom is either general or particular. General is that which is current through all England, where you may read in Doctor & Student, l. 1. c. 7. many things worthy to be known. Parti

lar is that which belongs to this or that County, as Gavelkind to Kent; or to this or that Lordship, City, or Town.

Custom differs from Prescription, because Custom is common to many, and Prescription, by the Opinion of some, is particular to this or that Man. Again, Prescription may be for a shorter Time than Custom, scil. for five Years, or less: As if a Fine be duly levied of Lands or Tenements, and be not gainsaid within five Years, this is a Bar to all Claim for ever.

If a Man omits his continual Claim for a Year and a Day, then the Tenant in Possession prescribes an Immunitry against the Entry of the Demandant and his Heir. Fitzh. Nat. Brev. 79. Out of our Statutes you may have greater Diversity: So that this seems to be a true Saying. That Prescription is an Exception founded upon so long Time gone and past, as the Law limits for the Pursuit of any Action. An Example may be taken out of the Statute of 1 H. 8. c. 4. which enacts, That in all Actions popular Information shall be made within three Years after the Offence committed, otherwise to be of no Force.

Custom is also used for the Tribute or Toll that Merchants pay to the King, to carry in and out Merchandizes, 14 E. 3. Stat. 1. cap. 21. In which Signification it is called Custuma in Latin. Regist. Orig. 129. a. 138. a.

destre conus. *Particular* est ceo que appertient a ceo ou tiel Countie, come *Gavelkind* al *Kent*; ou a ceo ou tiel Seigniorie, Citie, ou Ville.

Custome differt del Prescription, pur ceo que Custome est common a pluſors, & Prescription, per l'opinion de aſcun, est particular a cel ou tiel home. Auxy Prescription poit estre pur un pluis curt temps que Custome, *scil.* pur cinque ans ou meins. Come si Fine ſoit duement levie de Terres ou Tenements, & ne ſoit dedit deins cinque Ans, ceo est Barre a cheſcun Claime a touts jours.

Si home omitta ſon continual Claime pur un An & Jour, donque le Tenant en Poſſeſſion prescribe un Privilege envers l'Entrie le Demandant & ſon Heire. *Fitzh. Nat. Brev.* 79. Hors de noſtre Statutes vous poyes aver pluis grand diverſitie: iſſint que ceo ſemble destre un voyer dit. Que Prescription est un Exception ſoundue ſur tant temps alé & paſſe que le Ley limita pur le purſuance de aſcun Action. Un example poit este priſe hors del Statute de 1 *H.* 8. *c.* 4. que enact, Que en touts Actions populars Information ſerra fait deins trois Ans puis l'Offence commit, auterment destre de nul vigour.

Custome est auxy uſe pur le Tribute ou Toll que Merchants payont al Roy de porter eins & hors Merchandizes. 14 *E.* 3. *Stat.* 1. *cap.* 21. En quel ſignification est appel *Cuſtuma* en Larine. *Regiſt. Orig.* 129. *a.* 138. *b.*

Et denierment, pur tiels Services que Tenants de un Manor doiont a lour Seign'. Veil Livre de *Entries*, *verb' Custome*. Veies *Consuetud. & Servitiis*.

And lastly, for such Services as Tenants of a Manor owe unto their Lord. Old Book of Entries, Word Custom. See Consuetud. & Servitiis.

Custos Brevium.

Custos Brevium est le primer Clerk apperteinant al Court de Common Pleas, ou Bank le Roy, l'office de quel est pur receive & tener touts les Briefs & mitter eux sur Files, chescun Return per luy mesme, & al fine de chescun Terme de receiver del Prothonotaries touts les Records de *Nisi prius*, appel le *Postea*. Le *Custos Brevium* auxy fait entrie des Brief de Covenant & le Concord sur chescun Fine, & fait hors Exemplifications & Transcripts de touts les Briefs & Records en son Office, & de touts les Fines levie. Les Fines, puis que ils sont engrosse, les parts de ceo sont divide pent' le *Custos Brevium* & le Chirographer; de que le Chirographer reteigna touts foits le Brief de Covenant & le Note; le *Custos Brevium* reteina le Concord, & Pee del Fine, sur quel Pee le Chirographer causa le Proclamations destre indorse quand ils touts sont proclaim.

Custos Brevium.

CUstos Brevium is the chief Clerk belonging to the Court of Common Pleas or King's Bench, whose Office is to receive and keep all the Writs, and to put them upon Files, every Return by itself, and at the End of every Term to receive of the Prothonotaries all the Records of Nisi prius, called the Postea. The Custos Brevium also makes Entry of Writs of Covenant and the Concord upon every Fine, and makes out Exemplifications and Copies of all the Writs and Records in his Office, and of all the Fines levied. The Parts of the Fines, after they are ingrossed, are divided between the Custos Brevium and the Chirographer; whereof the Chirographer keeps always the Writ of Covenant, and the Note; the Custos Brevium keeps the Concord, and the Foot of the Fine, upon which Foot the Chirographer causes the Proclamations to be indorsed when they are all proclaimed.

Custos Rotulorum.

Custos Rotulorum est celuy que ad le custody des Rolls ou Records des Sessions del Peace, &, come aseuns semble, del Commission del Peace mesme. *Lam. l. 4. c. 3. p. 373.* Il est touts foits Justice del Peace &

Custos Rotulorum.

CUstos Rotulorum is he that hath the keeping of the Rolls or Records of the Sessions of the Peace, and, some think, of the Commission of the Peace it self. Lam. l. 4. c. 3. p. 373. He is always Justice of the Peace and Quo-

in the County where he hath his Office; and by his Office he is rather termed an Officer or Minister, than a Judge, because the Commission of the Peace lays this special Charge by express Words upon him, That he should cause the Writs, Precepts, Process and Indictments aforesaid to come and be before him and his fellow Justices at the Days and Places aforesaid. See 37 H. 8. c. 1. and 3 & 4 Ed. 6. c. 1. 2 Inst. 674.

Gardian of the Spiritualties.

GArdian of the Spiritualties is he that exercises the Spiritual and Ecclesiastical Jurisdiction of any Diocess during the Vacancy of the See; the Appointment of whom by the Canon Law pertains to the Dean and Chapter; lest in the Vacancy of the See some Innovation should be introduced. But in England the Archbishop of the Province hath it by Prescription. Howbeit many Deans and Chapters (as M. Gwyn saith in his Preface to his Readings) challenge this by ancient Charters from the King's of this Land.

Cuynage.

CUynage is a Word used in the Statute of 11 H. 7. cap. 4. for the making up of Tin into that Fashion as it is used to be framed, for the better Carriage of it into other Parts.

Quorum en le Countie ou il ad son Office; & per son Office il est pluistost apppel un Officer ou Minister, que un Judge, put ceo que le Commission del Peace impose cest especial Charge per expresse parols sur luy, *Quod ad dies & loca prædicta Brevia, Præcepta, Processus & Indictamenta prædicta coram te & dictis Sociis tuis venire facias.* Veies 37 *H.* 8. *c.* 1 & 3 *&* 4 *Ed.* 6. *c.* 1. 2 *Inst.* 674.

Custos des Spiritualties.

C*Ustos des Spiritualties* est celuy que exercisa le Spiritual & Ecclesiastical Jurisdiction de ascun Dioceese durant le Vacancie del See; l'appointment de quel per le Ley Canon apperteint al Dean & Chapiter, *Ne Sede vacante aliquid innovetur.* Mes en *Angleterre* l'Archieveſque del Province ad ceo per Prescription. Uncore pluſors Deanes & Chapiters (come dit M. *Gwyn* en le Preface a son Lectures) demande ceo per veils Charters des Roys de cest Terre.

Cuynage.

C*Uynage* est un parol use en le Statute 11 *H.* 7. *cap.* 4. pur le framer de Estaine en tiel forme come solont de ceo framer, pur le pluis apt portage de ceo en autres lieus.

D.

Dammage.

D*Ammage* eſt un part de ceo que les Jurors ſont de enquire, en donant lour Verdict, pur le Plaintiff ou Demandant en un Action real ou perſonal. Car puis le Verdict done ſur le principal cauſe, ils ſont auxy demaund lour Conſciences touchant Coſts, queux ſont les Expences del Suit, & *Dammages*, que contein le perde que le Plaintiff ou Demandant ad ſuſteine per cauſe del tort a luy fait per le Defendant ou Tenant.

Et entant que Juſtice & Reaſon voilont, que quand le Vie, le Credit, les Terres, les Biens, le corruption de ſon Sanke, & tout ceo que home ad a forfeiter, en c:ſt monde, ſont miſe en peril ſans voyer cauſe, mes ſolement ſur le malicious Accuſation dun auter per Appeal, que l'Appellee averoit ſatisfaction pur ceo envers ſon faux Accuſer, & ſil nad ſufficient, donque vers luy ou ceux que luy abbetta ou procura de purſuer l'Appeale: Pur ceo le Common Ley donaſt Dammages al Defendant en un Appeal, & aſſigne a luy un meane pur le recoverie de eux, quand il fuiſt acquite del Felony, come eſt 48 E. 3. 22. Mes entant que les Dammage vers le Procurors & Abbettors fueront

D.

Damage.

DAmage is Part of that which the Jurors are to inquire of, in giving their Verdict for the Complainant or Demandant in an Action real or perſonal. For after the Verdict given upon the principal Matter, they are alſo asked their Conſciences touching Coſts, which are the Expences of the Suit, and Damages, which contain the Prejudice which the Plaintiff or Demandant hath ſuffered by means of the Wrong done him by the Defendant or Tenant.

And forasmuch as Juſtice and Reaſon require, that when the Life, Credit, Lands, Goods, Corruption of Blood, and all that a Man hath to forfeit in this World, are put in Peril without juſt Cauſe, but only upon the malicious Accuſation of another by Appeal, that the Appellee ſhould have Satisfaction therefore againſt his falſe Accuſer, and if he hath not ſufficient, then againſt him or them that abetted or procured him to purſue the Appeal: Therefore the Common Law gave Damages to the Defendant in an Appeal, and aſſigned him a Means for the Recovery thereof, when he was acquitted of the Felony, as it is 48 E. 3. 22. But forasmuch as the Damages againſt the Procurers and Abettors were

to

to be recovered by Original Writ, that is, by Writ of Conſpiracy, and not otherwiſe, which was not ſo ſpeedy Remedy as the heinous Quality of the Wrong required; the Statute of Weſtm. the 2. An. 13 Ed. 1. cap. 12. for the more expedirious Redzeſs thereof was ordained.

But if the Defendant bars the Plaintiff of his Appeal, then he cannot recover Damages by the ſaid Statute againſt the Plaintiff, except the Bar be ſuch as acquits the Defendant of the Felony. And if the Defendant pleads that the Appellant is a Baſtard, or hath an elder Brother, or like Pleas in Bar, and thereby bar the Plaintiff; yet he ſhall not recover Damages againſt him, becauſe the Defendant may be indicted again of the ſame Felony, and attainted, notwithſtanding any of thoſe Pleas; for by them the Innocency of the Defendant is not tried, and therefore he ſhall not have Damages. 27 Aſſiſ. pl. 5. The ſame Law is, if the Defendant bars the Appellant by Demurrer in Law: And ſo it is, if in Appeal of the Death of a Man the Defendant pleads to the Iſſue, and it is found by Verdict that he killed the Man in his own Defence, or by Chance-medley; in theſe Caſes he ſhall not recover Damages. But if the Defendant in Appeal hath the Releaſe of the Appellant, or the King's Pardon, and will waive them, and plead Not guilty, and is acquitted; in this Caſe he ſhall recover Damages.

deſtre recover per Original Brief, ceſtaſcavoir per Brief de Conſpiracie, & nient autrement, que ne fuiſt cy curt remedie come le heinous degree del tort require, le Statute de *Weſtminſter* le 2. *Ann.* 13 *Ed.* 1. *cap.* 12. pur le pluis ſubite redreſſe fuit ordaine.

Mes ſi le Defendant barre le Plaintiffe de ſon Appeale, donque il ne poit recover Dammages per le dit Stat. envers le Plaintiff, forſque le Barre ſoit tiel que acquite le Defend' del Felonie. Et ſi le Defendant plead que le Appellant eſt ou Baſtard, ou ad un Eigne frere, ou tiels Pleas en barre, & per eux barre le Plaintiff; uncore il ne recovera Dammages vers luy, pur ceo que le Defendant poit eſtre endite arere de meſme le Felonie, & attaint nient obſtant aſcun de ceux Pleas; car per eux le innocencie del Defendant neſt pas trie, & pur ceo il navera Dammage. 27 *Aſſ. pla.* 25. Meſme le ley eſt, ſi le Defendant barre le Appellant per Demurrer en Ley: Et iſſint eſt, ſi en Appeal del mort dun home le Defendant plead al iſſue, & eſt trove per verdict que il occide le home en ſon defence demeſne, ou per Miſadventure; en ceux caſes il ne recovera Dammages. Mes ſi le Defendant en Appeale ad le Releaſe del Appellant, ou le Pardon le Roy, & voile eux waiver, & pled' Nient culpable, & eſt acquite; en ceſt caſe il recovera Dammages.

Ceſt parol *Damna* eſt priſe en la Ley en deux ſeveral ſignifications; l'un properment & generalment, l'auter relative & ſtricte. Properment, come eſt en caſes ou Dammages ſont foundue ſur le Statute de 2 *H.* 4. *c.* 1. & 8 *H.* 6. *c.* 9. ou Coſts ſont enclude deins ceſt parol Dammages; car *Damnum* en ſon proper & general ſignification *dicitur à demendo, cum Diminutione res deterior fit*; & en ceſt ſenſe Coſts de Suit ſont Dammages al Plaintiff, car per eux *res ſua diminuitur*. Mes quand le Plaintiff monſtre le tort fait a luy a Dammage de tiel ſumme, ceo eſt deſtre priſe relative pur le tort que eſt paſſe devant le Brief port, & ſont aſſeſſe *occaſione Tranſgreſſionis prædict'*, & ne poit extender al Coſts del Suit que ſont future, & de un auter nature. Veies Co. *l.* 10. *fol.* 116, 117.

This Word Damage is taken in the Law in two ſeveral Significations; the one properly and generally, the other ſtrictly and relatively. Properly, as it is in Caſes where Damages are founded upon the Statute of 2 Hen. 4. c. 1. and 8 Hen. 6. c. 9. where Coſts are included within this Word Damages; for Damnum in its proper and general Signification is ſaid a demendo, when a thing by Diminution is made worſe; and in this Senſe Coſts of Suit are Damages to the Plaintiff, for by them his Subſtance is diminiſhed. But when the Plaintiff declares the Wrong done to him to the Damage of ſuch a Sum, this is to be taken relatively for the Wrong which is paſſed before the Writ brought, and are aſſeſſed by Reaſon of the Treſpaſs aforeſaid, and cannot extend to Coſts of Suit which are future, and of another Nature. See Co. l. 10. fol. 116, 117.

Dammage Cleere.

D*Ammage Cleere, Damna Clericorum*, fuit aſſeſſe per le diſme Part en le Commune Plees, & per le vingtieme Part en le Bank le Roy, de touts Dammages, excedant cinque Marcs, que fueront recover, ou per Verdict, Confeſſion, ou Judgment del Court, en touts Actions ſur le Caſe, Covenant, Treſpaſs, Batterie, Faux Impriſonment, Dower, & touts auters, en le queux les Dammages fueront inceretins; que le Plaintiff fuit oblige a payer al Prothonotarie, ou chief Officer de ceo Court en que ils fueront recover, devant que il puiſt aver Execution

Damage Cleere.

DAmage Cleere, Damna Clericorum. was aſſeſſed by the tenth Part in the Common Pleas, and by the twentieth Part in the King's Bench and Exchequer, of all Damages, exceeding five Marks, recovered either by Verdict, Confeſſion or Judgment of the Court, in all Actions upon the Caſe, Covenant, Treſpaſs, Battery, Falſe Impriſonment, Dower, and all others, wherein the Damages were incertain, which the Plaintiff was obliged to pay to the Prothonotary, or chief Officer of that Court, wherein they were recovered before he could have Execution for them

But this is taken away by 17 Car. 2. c. 6.

Damage feſant.

DAmage feſant is, when a Stranger's Beaſts are in another Man's Ground, without License of the Tenant of the Ground, and there do feed, tread or otherwiſe ſpoil the Corn, Graſs, Woods, and ſuch like: In which Caſe the Tenant, whom they damage, may therefore take, diſtrain and impound them, as well in the Night as in the Day. But in other Caſes, as for Rent and Services, and ſuch like, none may diſtrain in the Night.

Danegeld.

DAnegeld is, to be quit of a certain Tribute which the Danes did levy in England: Alſo the Tribute it ſelf.

This began firſt in the Time of King Etheldred, who being ſore diſtreſſed by the continual Invaſion of the Danes, to purchaſe Peace, was compelled to charge his Country and People with great Payments; for he firſt gave them at five ſeveral Payments 113000 l. and afterwards granted them 48000 l. yearly.

Darreine Preſentment.

DArreine Preſentment; an Aſſiſe thereof lies where or mine Anceſtors have preſented a Clerk to a Church, and after, the Church being void by the Death of the ſaid Clerk, or otherwiſe, a Stranger

pur eux. Mes ceo eſt aboliſh per 17 Car. 2. c. 6.

Dammage feſant.

D*Ammage feſant* eſt, quand les Beaſts de un eſtrang' ſont en auters Terres, ſans licence del Tenant de la Terre, & la Mangeront, treade ou auterment ſpoilont les Blees, Graſſe, Bois, ou tiels ſemblables: En quel caſe le Tenant que ils iſſint damage, poit pur ceo prender, diſtreine & impound eux, cybien en le nuict come en le jour. Mes en auters caſes, come pur Rent & Services, & tiels ſemblables, nul poit diſtrainer en le nuict.

Danegeld.

D*Anegeld* eſt quiet' eſſe de quodam Tributo quod quidam *Dani* levaverunt in *Anglia*: Auxy le Tribute meſme.

Ceo commence primerment en temps le Roy *Ethelred*, quel eſteant en grand diſtreſs per le continual Invaſion de les *Danes*, per purchaſer Paix, fuit compelle de charge ſon Pais & People ove grand Payments; car il primerment done eux al cinque ſeveral paiments 113000 l. & puis grant al eux 48000 l. annualment.

Darreine Preſentment.

D*Arreine Preſentment*; Aſſiſe de ceo gift ou jeo ou mon Anceſtors ad preſent un Clerk al un Eſgliſe, & puis, l'Eſgliſe eſteant voide per le mort del dit Clerk, ou auterment, un eſtranger

ſtranger preſent ſon Clerke al meſme Eſgliſe en diſturbance de moy. Et coment ceo eſt auterment uſe, veies *Bract. lib. 5. tract. 2. Regiſt. Orig. fol.* 30. Si Baron & feme preſent al Advowſon en droit la feme, que eſt appendant al Manor la feme, & puis le Baron alien un Acre parcel de Manor, ove le Advowſon en fee, a un eſtranger, & devie, & puis le eſtranger preſenta, & puis alien le Acre a un auter en fee ſavant le Advowſon a luy meſme, & puis l'Eſgliſe voide; ore la feme preſentera, & s'el ſoit diſturbe, el avera *Aſſiſe de Darreine Preſentment*; pur ceo que le Advowſon fuit ſever del Acre. Mes ſi le Advowſon fuit appendant al Acre, donque covient al feme a recover le Acre avant que el preſentera al Advowſon. *Fitz. Nat. Brev.* 32.

ſtranger preſents his Clerk to the ſame Church in Diſturbance of me. And how it is otherwiſe uſed, ſee Bract. lib. 5. tract. 2. Regiſt. Orig. fol. 30. If a Husband and Wife preſent to an Advowſon in Right of the Wife, which is appendant to the Manor of the Wife, and after the Husband aliens an Acre, Parcel of the Manor, with the Advowſon in Fee, to a Stranger, and dies, and after the Stranger preſents, and then aliens the Acre to another in Fee, ſaving the Advowſon to himſelf, and after the Church is void; there the Wife ſhall preſent, and if ſhe be diſturbed, ſhe ſhall have an Aſſiſe of Darrein Preſentment; becauſe the Advowſon was ſevered from the Acre. But if the Advowſon was appendant to the Acre, then the Wife ought to recover the Acre before ſhe preſents to the Advowſon. Fitz. Nat. Brev. 32.

Darreine Continuance,

EST quand Defendant ou Tenant pendant le ſuit plead novel matter fait *poſt ultimam continuationem placiti.* Veiez *Theolal* 361. & 2 *Cro.* 261.

Darreine Continuance,

IS when the Defendant or Tenant (pendente placito) pleads new Matter done after the laſt Continuance of the Plea. See Theolal 361. & 2 Cro. 261.

Dean & Chapter.

DEan & *Chapter* eſt un Corps corporate Spiritual, conſiſtant de pluſors able Perſons, come noſmement de Dean (que eſt principal) & ſes Prebends, & ils enſemble ſont le Corporation. Et ſicome ceſt Corporation poyent joynement purchaſe Terres & Tenements al uſe de lour Eſgliſe

Dean and Chapter.

DEan and Chapter is a Body corporate Spiritual, conſiſting of many able Perſons as namely the Dean (who is chief) and his Prebends, and they together make the Corporation. And as this Corporation may jointly purchaſe Lands and Tenements to the Uſe of their Church and Succeſſors; ſo likewiſe every

them ſeverally may purchaſe to the Uſe of himſelf and his Heirs.

And as there are two Foundations of Cathedral Churches in England, the Old and the New; (the New are thoſe that King Henry the Eighth, upon Suppreſſion of Abbeys, transformed from an Abbot, or Prior, and Convent, to Dean and Chapter:) ſo there are two means of Creation of theſe Deans: for thoſe of the Old Foundation are brought to their Dignity like Biſhops; the King firſt ſending his Congé deſlire to the Chapter; the Chapter then chuſing, the King ſending his royal Aſſent, and the Biſhop confirming, and giving his Mandate to inſtall him. Thoſe of the New Foundation are by a ſhorter courſe inſtalled by the King's Letters Patent, without other Election or Confirmation.

This Word is alſo applied to divers that are the chief of certain peculiar Churches or Chapels, as the Dean of the King's Chapel, the Dean of the Arches, the Dean of Saint George's Chapel in Windſor, &c.

Debet & Detinet.

Debet & Detinet: Much may be ſaid of theſe Words that ſhall be ſpoken of the Words in following. As, if a Man be bound to another, and makes his Executor, and dies, and the Money grows due in the Time of the Teſtator, and afterward the Executor pays it not; the Action brought againſt him by the Executor ſhall be in the Detinet

& Succeſſors; iſſint auxy chaſcun de eux ſeveralment poit purchaſe al uſe de luy & ſes Heires.

Et ſicome la ſont deux Foundations d'Eſglifes Cathedral en *Angleterre*, le Veiel & le Novel; (le Novel ſont ceux queux le Roy *Henry* le huict. ſur ſuppreſſion d'Abbies, transforme de Abbot, ou Prior & Covent, al Deane & Chapter:) iſſint la ſont deux means del Creation de ceux Deanes; car ceux del Veiel Foundation ſont conferre a lour Dignity ſemble al Eveſques: le Roy primerment mittant hors ſon *Congé d'eſlire* al Chapter, le Chapter donque eſliant, le Roy rendant ſon royal Aſſent, & l'Eveſque luy confirmant, & donant ſon Mandate de luy inſtaller. Ceux del Novel Foundation ſont per un voy pluis curt enſtalle per les Letters Patents del Roy, ſans aut' Election ou Confirmation.

Ceſt parol eſt auxy apply aux divers que ſont les primes de certein peculiar Eſglifes ou Chappels; come le Dean del Chappel del Roy, le Dean del Arches, le Dean del Chappel de S. *George* en *Windſor*, &c.

Debet & Detinet.

Debet & Detinet: Mult poit eſtre dit de ceux parols que ſerra dit des parols prox' enſuivant. Come ſi home ſoit oblige a un auter, & fait ſon Executor, & moruſt, & l'argent fuiſt due en le temps del Teſtator, & apres l'Executor ceo ne renda pas; la l'Action port vers luy pur ceo ſerra en le *Detinet* tantum:

&

& iſſint en touts Actions port per Executors come Executors, le Brief ſerra en le *Detinet* tantum, coment que le dutie acrue en lour temps demeſne, pur ceo que le choſe ou dammages recover ſerra Aſſets.

Mes ſi Leſſee pur ans rendant Rent fait ſes Executors, & moruſt, & le Rent incurre puis le mort del Teſtator; ore Action de debt ſerra port en le *Debet & Detinet*; car quand Executor ou Adminiſtrator priſt les Profits, rien ſerra Aſſets mes les Profits ouſter le Rent. Come, ſi le Terre vault dix Livers per An, & cinque Livers eſt reſerve; en ceſt caſe rien ſerra Aſſets forſque le cinque Livers ouſter le Rent, & pur ceo le Brief ſerra pur le Rent en le *Debet & Detinet*. *Coke lib.* 5. *fol.* 31.

Debet & ſolet. Vide Cuſtom & Preſcription.

Debet & ſolet ſont parols uſe en le Veil *Natura Brevium*, *fol.* 98. Le Brief de *Secta molendini*, eſteant en le *Debet & ſolet*, eſt un Brief de Droit &c Et arrere, *fol.* 69 Un Brief de *Quod permittat* poit eſtre plead en le County devant le Viſcount, & poit eſtre en le *Debet & ſolet*, ou le *Debet* ſolement, come le Demandant claime. Pur que nota, Que ceux Briefs que ſont port en tiel ſort ont ceux parolx en eux, come formal parolx nient deſtre omit.

Et accordant al diverſity del Caſe, le *Debet & ſolet* ſont uſe, ou le *Debet* tantum. Come ſi home per Brief ſue de recover

only: and ſo in all Actions brought by Executors as Executors, the Writ ſhall be in the Detinet only, although the Dutie accrued in their own Time, becauſe the thing or Damages recovered ſhall be Aſſets.

But if the Leſſee for Years rendring Rent, makes his Executors, and dies, and the Rent incurs after the Death of the Teſtator; there an Action of Debt ſhall be brought in the Debet & Detinet: for when the Executor or Adminiſtrator take the Profits, nothing ſhall be Aſſets but the Profits above the Rent. As, if the Land is worth ten Pound by the Year and five Pound is reſerved; in this Caſe nothing ſhall be Aſſets but the five Pound above the Rent; and therefore the Writ ſhall be for the Rent in the Debet & Detinet. Coke lib. fol. 31.

Debet & ſolet. See Cuſtom and Preſcription.

Debet & ſolet are Words uſed in the Old Natura Brevium fol. 98. The Writ of Secta molendini, being in the Debet & ſolet, is a Writ of Right &c. And again, fol. 69. Writ of Quod permittat may be pleaded in the County before the Sheriff, and may in the Debet & ſolet, or Debet only, as the Demandant claims. Wherefore note, That theſe Writs that are brought in ſuch ſort have theſe Words in them, as formal Words to be omitted.

And according to the Diverſity of the Caſe, the Debet & ſolet are uſed, or the Debet only. As if a Man by Writ ſue

recover any Right, whereof his Anceſtor was diſſeiſed by the Tenant or his Anceſtor; then he uſes only the Word Debet in his Writ, and it is not apt to uſe Solet, becauſe his Anceſtor was diſſeiſed, and the Cuſtom diſcontinued; but if he ſues for any thing that is firſt denied him, then he hath both theſe Words, Debet & ſolet; becauſe his Anceſtors before him, and himſelf, have uſually enjoyed the thing for which he ſues, as Suit to the Mill, or Common Paſture, until this preſent refuſal of the Tenant. Regiſt. Orig. fol. 144. a.

Decem Tales.

Decem Tales. See Tales.

Decies tantum.

Decies tantum is a Writ that lies where a Juror in any Enqueſt takes Money of the Part or other, to give his Verdict; then he ſhall pay ten times as much as he hath received; and every one that will may have this Action, and ſhall have the one half, and the King the other.

But if the King in ſuch caſe releaſe by his Pardon to ſuch Juror, yet that ſhall be no Bar againſt him that brings the Action, who ſhall recover the other half, if this Action be commenced before the Pardon of the King: but if the Pardon be before any Action, it is a Bar againſt all Men.

And the ſame Law is of all Actions popular, where Part is to the King, the Part to the Party that ſues.

aſc' droit de que ſon anceſtor fuiſt diſſeiſe per le Tenant ou ſon anceſtor; donque il uſe ſolement le parol *Debet* en ſon Brief, & neſt apt de uſer *Solet*, pur ceo que ſon anceſtor fuiſt diſſeiſe, & l'Uſage diſcontinue; mes ſil ſue pur aſc' choſe que eſt primerment denie a luy, donque il ad ambideux ceux parols, *Debet & ſolet*; pur ceo que ſes Anceſtors devant luy & luy meſme ont uſualment enjoy le choſe per que il ſuiſt, come Suit al Molin, ou Common de Paſture, jeſque ceſt preſent refuſal del Tenant. *Regiſt. Orig. fol.* 144. *a.*

Decem Tales.

Decem Tales. Veies *Tales.*

Decies tantum.

Decies tantum eſt un Brief que giſt lou un Juror en aſcun Enqueſt priſt argent de un partie ou de auter, pur done ſon Verdict, donques il payera *dixe foits a tant'* que il ad receive: & cheſcun que voile ſuer poit aver l'Action, & avera l'un moietie, & le Roy l'auter.

Mes ſi le Roy en tiel caſe releaſe per ſon Pardon a tiel Juror, uncore ceo ne ſerra Barre vers ceſtuy que port le Action, que recovera le auter moietie, ſi ceſt Action ſoit commence devant le Pardon le Roy: mes ſi le Pardon ſoit devant aſc' Action, il eſt Barre encounter touts Gents.

Et meſme le ley eſt de touts Actions populars, lou un part eſt al Roy, l'auter al partie que ſuera. Auxy

les

les *Embracers*, que procurront tiels Enqueſts, ſerront punie en meſme le manner, & ils averont Impriſonment de un An. Mes nul Juſtice enquirera de ceo de Office, mes ſolement al Suit del party.

Deciners.

Deciners ſont tiels queux ſoloyent d'aver le ſurvey & check de Dixe friburgs, pur le maintenance del Peace le Roy; & les Limits ou Circuit de lour Juriſdiction fuit appel *Decenna. Bract. lib.* 3. *tract.* 2. *cap.* 15. Auxy poyes lier *Flet. lib.* 1. *cap.* 27. & *Regiſt. Orig. fol.* 68. *b.*

Ceux ſemble d'aver grand Authoritie en le temps des *Saxons*, prendant conuſance de Cauſes deins lour Circuit, & reformant torts per voy de Judgment, come poyes lier en les Leyes del Roy *Edward*, publie per *Lambard*, *num.* 32. Auxy la eſt mention fait de ceux en *Britton cap.* 12. que dit en le Perſon le Roy (come il eſcria tout ſon Livre) en tiel manner: Nous voillomus que touts tiels que ſont 14 ans d'age fairont ſerement que ils ſerront ſufficient & loyal a Nous, & que ils ne voilent eſtre Larons, ne aſſentant a Larons, & que touts ſoyent profeſſe deſtre de ceo ou tiel *Dozeine*, & fair au offer Bail de lour Behaviour per ceux ou cels *Deciners*; exceptant religious Perſons, Clerks, Chivalers, & lour eigne Fits & Femes. Uncore meſme le Author en ſon 29 *Chap.* prochein al fine dit, Que

Alſo the Embracers, who procure ſuch Inqueſts, ſhall be puniſhed in the ſame Manner, and they ſhall have Impriſonment a Year. But no Juſtice ſhall inquire thereof ex Officio, but only at the Suit of the Party.

Deciners.

Deciners are ſuch as were wont to have the Overſight and Command of ten free Burgs, for preſerving the King's Peace; and the Limits or Circuit of their Juriſdiction was called Decenna. Bract. lib. 3. tract. 2. cap. 15. Alſo you may read Flet. lib. 1. cap. 27. and Regiſt. Orig. fol. 68. b.

Theſe ſeemed to have large Authority in the Saxons Time, taking Knowledge of Cauſes within their Circuit, and redreſſing Wrongs by way of Judgment, as you may read in the Laws of King Edward ſet out by Lambard, num. 32. Alſo there is mention of them in Britton, cap. 12. who ſaith in the King's Perſon (as he writes his whole Book) in this Manner: We will that all ſuch as are fourteen Years of Age ſhall make Oath that they ſhall be ſufficient and loyal unto Us, and that they will not be Felons, nor aſſenting to Felons, and that all be profeſſed to be of the or that Dozine, and make offer Surety of their Behaviour by theſe or thoſe Deciners; except religious Perſons, Clerks, Knights, and the eldeſt Sons, and Women. In the ſame Author, in his 29 Chap. near the End ſaith,

all at the Age of twelve Years or above, are punishable for not coming to the Sheriff's Tourn, excepting Earls, Prelates, Barons, religious Persons, and Women.

The same Law is where the Deciners make Presentment, that a Felon is taken for Theft, and delivered to the Sheriff. And Kitchin out of the Register, and Britton saith thus, Religious Persons, Clerks, Knights or Women, shall not be Deciners, fol. 33. Whence it may be gathered, that this Word implies nothing else but such a one as by his Oath of Loyalty to his Prince is settled in the Commination or Society of a Dozein, for it is not usual at this day to find Surety so to do. And now a Dozein seems to extends so far as the Leet extends, because in Leets only his Oath is administred by the Steward, and taken by such as are of the Age of twelve Years and upwards, dwelling within the Precinct of the Leet where they are sworn. Fitz. Nat. Brev. 161. a. The Particulars of this Oath may read in Bract. lib. 3, tract. 2. cap. 1. num. 1. where he puts down fifteen Years for the Age of those that are sworn to the King's Peace; but lib. 3. tract. 2. cap. 11. num. 5. he says twelve Years. See Inquest.

From which Premisses may be observed the Difference between the ancient and these latter Times, in this Point of Law and Government, as well for the Age of those that are to be sworn, as also that Decining is not now used for the

touts al age de 12 ans & desuis sont punishable pur nient vener al Tourn de Vscount, exceptant Countees, Prelates, Barons, religious Persons, & Femes.

Mesme le Ley est ou les *Deciners* font presentment, que un Laron est prise pur Larcenie, & deliver al Viscount. Et *Kitchin* hors del *Register*, & *Britton* issint dit, Religious persons, Clerks, Chivalers ou Femes, ne serront *Deciners. fol.* 33. Hors de quel poit estre collect, que cest parol riens autrement implie mes tiel que per son Serement de Loyaltie a son Prince est settle en le Fraternitie ou Societie d'un *Dozeine*, car nest usual a cest jour de trover Suretie issint a faire. Et jammes un *Dozeine* semble de extend cy tant come le Leet extenda, pur ceo que en Leets solement cest Serment est administer per le Seneschal, & prise per tiels que sont d'age de 12 ans & desuis, reside deins le compass del Leet ou ils sont jurus. *Fitz. Nat. Brev.* 161. *a.* Les particulars de cest Serement poyes lier en *Bract. lib.* 3. *tract.* 2. *cap.* 1. *num.* 1. ou il mitta eins quindixe ans pur l'age de ceux que sont jurus al Peace le Roy; mes *lib.* 3. *tract.* 2. *cap.* 11. *num.* 5. il nosme douze ans. Veies *Inlaugh.*

Hors de queux premisses poit estre observe le diversity perenter l'ancient & ceux de nostre temps en cest point de Ley & Government, cy bien pur le age de ceux que sont destre jure, come auxy que *Deciner* nest jamnes use pur

pur le primer home de un *Dozeine*, mes pur luy que eſt jure al Peace le Roy; & deniermẽt, que jammes la ne ſont aſcun *Dozeines* forſque *Leets*; & que nul home communement done auter Securitie pur garde le Peace le Roy mes ſon Serement demeſne, & que pur ceo nul reſpondera pur l'Offence d'un auter, mes cheſcun pur luy meſme.

Declaration.

Declaration eſt un Monſtrance en eſcript de le grief & complaint de le Demandant ou Plaintiff envers le Tenant ou Defendant, en que il ſuppoſe de aver receive tort. Et ceſt *Declaration* doit eſtre plain & certain, pur ceo que il impeach le Defendant, & auxy chaſe celuy a reſponder. Mes nota, que tiel Declaration fait per le Demandant vers le Tenant en Action real eſt properment appel un *Count*.

Nota, Que le Count ou *Declaration* doit conteine Demonſtration, Declaration, & Concluſion. Et en *Demonſtration* ſont conteines troys choſes, (ceſt adire) que ſe pleynte, envers que, & de quel choſe. Et en le *Declaration* doit eſtre compriſe, coment & en quel manner le cauſe del Action ſurdit enter les Parties, & quand, & quel jour, an, & lieu, & a que l'Action ſerra done. Et en *Porcloſe* il doit averre & proffer de prover ſon Suit, & monſtre les Dammages queux il ſuſteine per le tort a luy fait.

chief Man of a Dozein, bu for him, that is ſworn to th King's Peace; and laſtly, tha now there are not any Dozein but Leets; and that ordinarily no Man gives other Securit for keeping the King's Peace but his own Oath, and there fore no one ſhall anſwer fo the Tranſgreſſion of anothe but every one for himſelf.

Declaration.

Declaration is a Shewing writing the Grief and Co plaint of the Demandant Plaintiff againſt the Tena or Defendant, wherein he ſu poſes to have received Wron And this Declaration ought be plain and certain, both cauſe it impeaches the Def dant, and alſo compels him make Anſwer thereto. note, that ſuch Declarat made by the Demandant aga the Tenant in an Action rea properly called a Count.

Note, That the Count Declaration ought to con Demonſtration, Declarati and Concluſion. And in monſtration are contained t things, (that is) him who c plains, againſt whom, and what Matter. And in the claration there ought to be p piſed, how and in what ner the Action roſe betwee Parties, and when, and Day, Year, and Place, an whom the Action ſhall be g And in the Concluſion he o to aver and proffer to prov Suit, and ſhew the Dam which he hath ſuſtained by Wrong done him.

De deoneranda pro rata portionis.

DE deoneranda, *&c.* is a Writ that lies where one is distrained for Rent, that ought to be paid by others proportionably with him. Fitz. Nat. Brev. fol. 234.

Dedi.

DEdi is a Warranty in Law to the Feoffee and his Heirs: As if it be said in a Feoffment A. B. hath given and granted, &c. it is a Warranty. Co. Litt. 384. a.

Dedimus potestatem.

DEdimus potestatem is a Writ that lies where a Man lies in the King's Court, or is sued, and cannot well travel, then he shall have this Writ directed to some Justice, or other discreet Person in the Country, to give him Power to admit some Man for his Attorney, or to levy a Fine, or to take his Confession, or his Answer, or other Examination, as the Matter requires.

Default.

DEfault is an Offence in omitting that which we ought to do; and most commonly taken for Non-appearance in Court at a Day assigned. Bract. lib. 5. tract. 3, & Fleta, lib. 6. cap. 14.

Defamation.

DEfamation is when a Man speaks slanderous Words of any other Man, Court of Justice, Magistracy, or Ti-

De deoneranda pro rata portionis.

DE *deoneranda*, *&c.* est un Brief que gist lou un est distrein pur Rent, que doit estre paye per auters proportionablement ove luy. *Fitz. Nat. Brev. fol.* 234.

Dedi.

DEdi est un Garrantie en Ley al Feoffee & ses Heirs: Come si soit dit en un Feoffment, *A. B.* ad *done* & graunt, *&c.* ceo est un Garrantie. *Co. Litt.* 384. *a.*

Dedimus potestatem.

DEdimus *potestatem* est un Brief quel gist lou un home sua en le Court le Roy, ou est sue, & ne puit bien traveiler. Donques il avera cest Brief direct a ascun Justice, ou auter discreet Person en le Pais, de doner a luy power pur admitte ascun pur son Atturney, ou de levie Fine, ou de prender son Confession, ou son Respons, ou auter Examination, come le matter require.

Default.

DEfault est un Offence en omitting ceo que doit estre fait; & pluis communement pris pur Non-appearance en Court a jour assigne. *Bract. lib. 5. tract. 3. & Fleta, lib. 6. cap.* 14.

Defamation.

DEfamation est quand home parle scandalous parols de ascun auter home, Court de Justice, Magistracie, ou Ti-

Title de Terre : pur quel le partie ſerra punie accordant al nature & qualitie de ſon Offence ; aſcun foits per Action ſur le Caſe pur Slander, al Common Ley, & aut' foits en le Court Chriſtian. Come ſi home contrive aſcun faux Novels, & horribles & faux Meſſoinges de Prelates, Dukes, Counts, &c. donque un Action *De Scandalis Magnatum* giſera vers luy per le Statute de 2 *R.* 2. *cap.* 5. & ceo eſteant prove, le partie offendant ſerra grievouſment punie. Mes pur parols de *Defamation* vers un private home, la le partie grieve avera ſon Action ſur le Caſe pur le Slander, & recovera en dammages accordant al qualitie del peche ; en que le qualitie del perſon que eſt iſſint defame eſt deſtre fort conſidre.

Mes pur *Defamations* determinable en le Court Chriſtian, ils covient de aver trois incidents : Primerment, covient concerne matter meerment Spiritual, & determinable en le Eccleſiaſtical Court ; come pur appel' luy Heretique, Schiſmatique, Advouterer, Fornicator, &c. Secondement, que il concerne matter meerment Spiritual ſolement : car ſi tiel *Defamation* concerne aſcun choſe determinable al Common Ley, le Eccleſiaſtical Judge navera conuſans de ceo : Come ſi un Divine eſt deſtre preſent a un Benefice ; & un (a defeater luy de ceo) dit al Patron, que il eſt un Heretique, ou un Baſtard, ou que il eſt Excommenge,

tle of Land : for which the Party ſhall be puniſhed according to the Nature and Quality of his Offence ; ſometimes by Action upon the Caſe for Slander, at the Common Law, and other Times in the Eccleſiaſtical Court. As if a Man contrive any falſe News, or horrible and falſe Lies of Prelates, Dukes, Earls, &c. then an Action De Scandalis Magnatum will lie againſt him by the Statute of 2 R. 2. cap. 5. and this being proved, the Party offending ſhall be grievouſly puniſhed. But for Words of Defamation againſt a private Man, there the Party grieved ſhall have his Action upon the Caſe for the Slander, and ſhall recover in Damages according to the Quality of the Fault : wherein the Quality of the Perſon who is ſo defamed is much to be conſidered.

But for Defamations determinable in the Spiritual Court they ought to have three Incidents : Firſt it ought to concern matter meerly Spiritual and determinable in the Eccleſiaſtical Court ; as for calling him Heretick, Schiſmatick, Adulterer, Fornicator, &c. Secondly, that it concern matter meerly Spiritual only for if ſuch Defamation concern any thing determinable at the Common Law, the Eccleſiaſtical Judges ſhall not have Conuſance thereof : As if a Divine is to be preſented to a Benefice, and one (to defeat him thereof) ſaith to the Patron that he is an Heretick, or a Baſtard, or that he is excommunicate

municated, whereby the Patron refuſes to preſent him, and he loſes his Preferment; he ſhall have an Action upon the Caſe for the Defamations, tending to ſuch an end. Alſo if a woman be bound that ſhe ſhall live continent, or if a Leaſe be made to her as long as ſhe ſhall live chaſte; in theſe caſes Incontinency ſhall be tryed by the Common Law. Thirdly although ſuch Defamation be meerly and only Spiritual, yet he that is defamed cannot ſue there for Amends or Damages, but the Suit ought to be only for Puniſhment of the Fault, for the Soul's Health of him that ſo offends.

And as for the Slander of a Title to Land, if A. ſaith that B. hath Right in the Lands of C whereby C. is damnified, then he may have an Action upon the Caſe for the Defamation of his Title, againſt A. And although B. hath a colourable Title, yet A. ſhall be puniſhed, foraſmuch as he hath taken upon him knowledge of the Law, and meddled in a matter which concerned him not. But if a Man ſaith, that he himſelf hath Right to the Land of another; in this caſe no Action for Defamation lies, although he knows his Title to be falſe. Coke lib. 4. fol. 18.

Defeaſance.

DEfeaſance cometh of the French word Deffayre, or Deffayr, i. e. to undo what is done, and ſignifies a Condition relating to a Deed, as an Obligation, Recogniſance, or Statute, which being performed by the Obligor, or per que le Patron refuſe a preſenter luy, & il perde ſon Preferment; il avera Action ſur le Caſe pur ceux *Defamations*, tendant a tiel fine. Auxy ſi feme ſoit oblige que el vivera continent, ou ſi Leaſe ſoit fait a luy *quamdiu caſta vixerit*; en ceux caſes Incontinencie ſerra trye pur le Common Ley. Tiercement, coment que tiel *Defamation* ſoit meerment & ſolement Spirituel, uncore ceſtuy que eſt defame ne poit ſuer la pur amends ou Dammages, mes le Suit covient eſtre ſolement pur puniſhment del peche, *pro ſalute animæ* ceſtuy que iſſint offend.

Et quant al Slander de un Title al terre, ſi *A.* dit que *E.* ad droit en le Terres de *C.* per que *C.* eſt damnifie, donque il poit aver Action ſur le Caſe, per le Defamation de ſon Title, vers *A.* Et nient obſtant que *B.* ad un colourable Title, uncore *A.* ſerra punie, entant que il ad imprife ſur luy notice del Ley, & intromit en un matter que ne luy pas concerna. Mes ſi home dit, que il meſme ad droit al Terre de un auter; en ceſt caſe nul Action per Defamation giſt, nient obſtant que il conuſt que ſon Title eſt faux. *Coke lib. 4. fol. 18.*

Defeaſance.

DEfeaſance vient del *Francois* parol *Deffayre* ou *Deffayr*, *i. e.* disfaire ceo que eſt fait, & ſignify, un Condition que relate a un Fait, come a un Obligation, Recogniſance, ou Statute, que eſteant perform pur le Obligor,

gor ou Recognisor, le Act est disable & fait voide, si come sil ne unques pas ad este fait. Et la est nul Garranty, Recognisance, Rent-charge, Annuity, Covenant, Lease per ans, use al Common Ley, ou tiels semblables, mes que ils poyent per un Defeasance, fait ove le mutual consent de touts ceux que fueront parties a le creation de eux, per Fait estre adnul, discharge, & defeat. Et la difference perent' un Proviso ou Condition ou fait & un *Defeasance* est en ceo, Que le Proviso ou Condition est annexe ou ensert en le Fait ou Grant; ou un *Defeasance* est usualment un Fait per luy mesme conclude & agree perent' les parties, & ayant relation a un auter Fait.

Et pur ceo si le Condition de un Obligation soit repugnant al Fait, le Condition est void, & Obligation bone: Come si le Condition soit, que il ne suera Obligation, ceo est void, auxy bien come est de un Feoffment, sur Condition que le Feoffee ne prendra my les Profits. Mes un *Defeasance* est un Grant que est fait apres le Obligation, pur defeat' mesme le Obligation; & ceo est bone coment que il soit repugnant, & issint nient semble a un condition. 21. *H.* 7. *fol.* 24 *b.* Pur le forme & manner de Defeasances accordant al diversity del Case veies *West. part.* 1. *Symb. lib.* 2. *Sect.* 230, 231, &c.

Recognisor, the Act is disabled and made void, as if it had never been done. And there is no Warranty, Recognisance, Rent-charge, Annuity, Covenant, Lease for yeers, Use at Common Law, or such like, but that they may by a Defeasance, made with the mutual Consent of all those who were Parties to the Creation thereof, by Deed be annulled, discharged, and defeated. And the difference between a Proviso or Condition in Deed and a Defeasance is in this, That the Proviso or Condition is annexed or inserted in the Deed or Grant; whereas a Defeasance is usually a Deed by it self concluded and agreed on between the Parties, and having relation to another Deed.

And therefore if the Condition of an Obligation be repugnant to the Deed, the Condition is void, and the Obligation good: As if the Condition be, that he shall not sue the Obligation, this is void, as well as it is of a Feoffment, upon Condition that the Feoffee shall not take the Profits. But a Defeasance is a Grant that is made after the Obligation, to defeat the same Obligation; and this is good though it be repugnant, and so not like a Condition. 21 Hen. 7. fol. 24 b. For the form and manner of Defeasances according to the diversity of the Case, see West, part. 1. Symb. lib. 2. Sect. 230, 231, &c.

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is to say, that he defends all the Wrong, Force and Damages, where and when he ought; and then to proceed farther to his Plea, or to imparl.

And note, That by defending the Force and Wrong he doth excuse himself of the Wrong against him surmised, and makes himself Party to the Plea; and by defending the Damage, he affirms the Plaintiff able to be answered unto.

And for the residue of the Defence, he accepts the power of the Court to hear and determine their Pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his Defence these words, (ou & quant il devera:) and if he will shew any Disability in the Plaintiff, and demand Judgment if the Party shall be answered unto; then he ought to omit the Defence of the Damage.

Defendant.

Defendant is he that is sued in Action personal, who is called Tenant in an Action real.

Defendemus.

Defendemus is an ordinary word in a Feoffment or Donation, and hath this force, that it binds the Donor and his Heirs to defend the Donee, if any man go about to lay any Servitude upon the thing given,

Defence.

Defence est ceo que le Defendant doit faire immediament apres le Count ou Declaration fait, cest adire, que il defenda tout le Tort, Force & Dammage, lou & quant il devera; & donques de proceed ouster a son Plee, ou de imparler.

Et nota; que entant que il defend Tort & Force, il le excuse del Tort vers luy surmise, & fait se party al Plee; & per tant que il defend les Dammages, il affirme le Plaintiff able destre respondue.

Et pur le residue del *Defence*, il accept le power del Court de oyer & determiner les Plees de cel matter. Car sil voil pleader al Jurisdiction, il doit omitter en son Defence les parols (*ou & quant il devera*) & sil voil' monstre aseun disabilitie en le Plaintiff, & demand Judgment si le partie serra respondue; donque il doit omitter le Defence del Dammage.

Defendant.

Defendant est celui que est sue en Action personel que est appel Tenant en un Action real.

Defendemus.

Defendemus est un usual parol en un Feoffment ou Donation, & ad cest force, que il lia le Donor & ses Heires a defender le Donee, si aseun home endeavour de imposer aseun Servitude sur le

choſe done, auter que eſt contein en le Donation. *Bract. lib. 2. cap 16. nu. 10.* Veies auxy *Warrantizabimus.*

Defenſor Fidei

Defendeur de la Foy eſt un peculiar Title done a Roy de *Angleterre* per le Pape, come *Catholicus* a Roy de *Eſpaigne*,, & *Chriſtianiſſimus* a Roy de *France* Il fuit primerment done per *Leo* x. a Roy *H.* 8. pur eſcrivant vers *Mart. Luther*, en part del Eſgliſe de *Rome*. *Stow's Annals, pag.* 863.

Deforſour

Deforſour eſt celuy que prevail & ject hors ove Force; que diffort de un Diſſeiſor, primerment en ceo, que home poit deſſeiſe un aut' ſans Force, quel act eſt appel *Simple Deſſeiſin Brit. cap* 33. Donque pur ceo que home poit *deforce* un auter que ne unques fuit en poſſeſſion; come ſi pluſors ont droit al Terres come common Heirs, & un tient eux hors, le Ley dit, que il eux deforce, nient obſtant que il ne eux diſſeiſa pas. *Veiel N B. fol* 118. Si Tenant en taile fait Feoffment en fee, per que le Feoffee eſt eins, & puis le Tenant en taile moruſt, & ſon iſſue ſuiſt Brief de *Formedon* envers le Feoffee; le Brief dira, & auxy le Count, &c. que le Feoffee a tort luy deforce, &c. coment que il ne luy diſſeiſa, pur ceo que il ent' en le vie le Tenant en tail, & le Heire ad nul preſent droit. *Litt fol.* 138 Et un *Deforſor* differt de un Intrudor, pur ceo que un other than is contained in the Donation. Bracton. lib. 2. cap 16. num. 10. See alſo Warrantizabimus.

Defender of the Faith.

DEfender of the Faith is a peculiar Title given to the King of England by the Pope, as Catholicus to the King of Spain, and Chriſtianiſſimus to the French King. It was firſt given by Leo. x. to King Hen. 8. for writing againſt Martin Luther, in behalf of the Church of Rome. Stow's Annals pag. 863.

Deforceor.

DEforceor is he that overcomes and caſts out with Force; who differs from a Diſſeiſor, firſt in this, that a man may diſſeiſe another without Force, which Act is called Simple Diſſeiſſin, Britton cap. 33. Then becauſe a man may Deforce another that never was in poſſeſſion; as if many have right to Lands as common Heirs, and one keeps them out, the Law ſaith, that he deforces them, though he never diſſeiſed them. Old Nat. Brev. fol. 118. If Tenant in tail makes a Feoffment in Fee by which the Feoffee is in, and afterward the Tenant in tail dies, and his iſſue ſues a Writ of Formedon againſt the Feoffee; the Writ ſhall ſay, and alſo the Count, &c. that the Feoffee wrongfully deforced him, &c. though he did not diſſeiſe him, becauſe he entred in the Life of the Tenant in tail, and the Heir had no preſent Right. Lit fol. 138. And a Deforceor differs from an Intru-

trudor, because a Deforceor keeps out the right Heir, as aforesaid; and a man is made an Intrudor by a wrongful Entry only in Lands or Tenements void of a Possessor. Bract. l. 4. c. 1.

And because Force and Forcible Entry into Lands is so opposite to the Peace and Justice of the Realm, and a Dishonour of the King and his Crown, and Discredit of the Law, that any person by Birth and Oath obliged to the Obedience of the King and his Laws, should presume of his own authority by Force and strong hand to resist them both, by violent Intrusion into the Possession of another, before the Law hath decided his Title therein; therefore divers Statutes have been made for the Restraint and Reformation of these Abuses; as, among others, the Statute of 5 R. 2. cap. 7. where the King defends any Entry into Lands or Tenements, but in case where Entry is given by the Law, and then not with strong hand, or with a Multitude of People, but only in a peaceable manner. See more of this in Poulton de pace Reg. fol. 34, 35, &c.

Degrading.

DEgrading. See Disgrading.

Delegates,

ARE Commissioners appointed by Letters Patents to determine Appeals upon things testamentary or matrimonial, in which Sentence was given. See 4 Inst. fol. 339. 8 Eliz. cap. 5.

Deforsor tient hors le droit Heire, come avantdit: & home est fait un Intrudor, pur son tortius Entrie solement en terres ou Tenements voide de un. Possessor. *Bract. lib. 4. cap. 1.*

Et pur ceo que Force & Forcible entrie en Terres est cy opposite al Peace & Justice del Royalme, & un dishonour del Roy & son Corone, & le scandal de Ley, que ascun person per nestre & serement oblige al obedience del Roy & ses Leyes, presumera de son authoritie per Force & fort maine de resister eux ambideux, per violent Intrusion en le Possession de un auter devant le Ley ad decide son Title en ceo; pur ceo divers Statutes ont este faits per le restraint & reformation de ceux Abuses; come, ent' auters, le Stat. de 5 R. 2. *cap.* 7. ou le Roy defend ascun Entrie en Terres ou Tenements; mes en case ou Entrie est done per le Ley, & donque nemy ove fort maine, ou ove multitude de gents, mes solement en un peaceable manner. Veies plus de ceo in *Poul. de pac. Reg: f.* 34, 35, *&c.*

Degrading.

D*Egrading.* Veies *Disgrading.*

Delegates,

SOnt Comissioners appoint per Letters Pat' a determiner Appeal sur choses testamentary ou matrimonial, en que sentence fuit rendue. Veies *Co. 4 Inst. fol.* 339. 8 *El. cap.* 5.

Demaines.

DEmaines ou *Demeſnes*, generalment a parler, ſont touts les parts de aſcun Manor quel ne ſont en mains del Freeholders, coment ſoyent occupie per Tenants per Copie de Court Roll', Leſſees pur ans ou pur vie, cybien come Tenants a volunt. Et le reaſon que Copihold eſt account Demeſnes eſt, pur ceo que ils que ſont Tenants a ceo ſont adjudge en Ley dayer nul auter Eſtate forſque al volunt del Seign', iſſint que il eſt jammes repute deſtre en un manner en les maines le Seign': uncore en common parlance il eſt uſualment appel *Demeſnes* que neſt ou free ou copie. Et ceſt parol *Demeſne* eſt aſcun ſoits uſe en un pluis ſpecial ſignification, & eſt oppoſite al Frank-fee; ſicome ceux Terres queux fueront en l'poſſeſſion de *Ed.* le Confeſſor ſont appel *Ansient demeſne*, & touts auters ſont appel *Frank-fee*, *Kitch fol.* 98. & le Tenants que tient aſc' de ceux Terres ſont appel' *Tenants en Ancient Demeſne*, les auters Tenants en Frank-fee. Et nul common perſon ad aſc' Demeſnes en le ſimple priſans del parol, pur ceo que la neſt aſc' Terre mes depend mediatement ou immediatement del Corone, ceo eſt, de aſc' Honor on auter appertient al Corone; & nemy grant en fee al aſcun inferior perſon; & pur ceo quand un home en pledant voile enferre ſon Terre deſtre ſon Demeſne, il dit, que il eſt ou fuit ſeiſe de ceo en ſon Demeſne come de Fee, *Little. fol* 5. per que appiert, que nient obſtant ſon Terre ſoit a luy

Cemaines.

DEmaines or Demeſnes, generally ſpeaking, are all the Parts of any Manor which are not in the Hands of Freeholders, though they be held by Copy-holders, Leſſees for Years or for Life, as well as Tenants at Will. And the Reaſon why Copyhold is accounted Demeſnes is, becauſe they who are Tenants to it are adjudged in Law to have no other Eſtate but at the Will of the Lord, ſo that it is ſtill reputed to be in a Manner in the Lord's Hands: Yet in common Speech that is ordinarily called Demeſnes which is neither free nor copy. And this Word Demeſne is ſometimes uſed in a more ſpecial Signification, and is oppoſite to Frank-fee; as thoſe Lands which were in the Poſſeſſion of Edward the Confeſſor, are called Antient demeſne, and all others are called Frank-fee, Kitch. fol. 98. and the Tenants which hold any of thoſe Lands are called Tenants in ancient demeſne, the other Tenants in Frank-fee. And no common Perſon hath any Demeſns in the ſimple Acceptation of the Word, becauſe there is no Land but depends mediately or immediately of the Crown, that is, of ſome Honour or other belonging to the Crown, and not granted in Fee to any inferiour Perſon; and therefore when a Man in pleading will ſignifie his Land to be his own, he ſaith, That he is or was ſeiſed thereof in his Demeſne as of Fee, Litt. fol. 3. whereby it appears, that though his Land be to him and his Heirs for ever,

ver, yet it is not true Demeſne, but depending upon a ſuperiour Lord, and holding by Service, or Rent in lieu of Service, or by Service and Rent together. Kitch. 81.

Demaines, according to the Common Speech, are only underſtood the Lord's chief Manor-place, which he and his Anceſtors have Time out of Mind kept in their own Hands, with all Buildings and Houſes, Meadows, Paſtures, Moors, arable Lands, and ſuch like therewith occupied.

Demand.

DEmand is a Word of Art, and if one releaſe to another all Demands, this is, (as Littleton fol. 117. a. ſaith) the beſt Releaſe to him to whom the Releaſe is made that he can have, and ſhall moſt enure to his Advantage; for by it not only all Demands, but alſo all Cauſes of Demands are releaſed. And there are two manner of Demands, that is, in Deed, and in Law. In Deed, as in every Præcipe there is expreſs Demand; and therefore in real Actions he is called Demandant, in perſonal Plaintiff. In Law, as every Entry in Land, Diſtreſs for Rent, Taking or Seiſure of Goods, and ſuch like Acts in the Country, which may be done without any Words or Demands in Law. As a Releaſe of Suits is more large than a Releaſe of Quarels or of Actions; ſo a Releaſe of Demands is more large and beneficial than either of them, for by it is re-

& ſes Heirs a touts jours, uncore il neſt voyer Demeſne, mes dependant ſur un Seignior paramont, & tiendrant a Service, ou Rent en lieu de Service, ou per Service & Rent enſemble. *Kitch.* 81.

Demeines, ſolonque le common parlance, ſont ſolement entend le principal Manorplace del Seignior, que il & ſes Anceſtors ont ewe de temps hors de memorie en lour maines demeſne, ove touts edifices & meaſons pres, paſtures. boys, terres eyrable, & tiels ſemblables ove ceo occupie.

Demand.

D*Emand* eſt vocabulum Artis, & ſi un releaſe a un auter touts Demands, ceo eſt (ſi come *Litt. fol.* 117. *a.* dit) le pluis melior Releaſe a luy a que le Releaſe eſt fait que il poit aver, & plus enurera a ſon advantage; car per ceo non ſolement touts Demands, mes aux' touts cauſes de Demands ſont releaſe. Et ſont deux maners de Demands, ceſtaſcavoir, en Fait, & en Ley. *En Fait*, come en cheſcun *Præcipe* la eſt expreſſe Demand; & pur ceo en real Action il eſt appel Demandant, en perſonal Plaintiff. *En Ley*, come cheſcun Entrie en Terre, Diſtreſſe pur Rent, Priſal ou ſeiſure des biens, & ſemblable acts en Pays; que poient eſtre fait ſans aſcun parols ou demands en Ley. Sicome Releaſe de Suits eſt pluis large que Releaſe des Quereles ou de Actions; iſſint Releaſe de Demands eſt pluis large & beneficial que aſcun de eux, car pe ceo eſt

releaſe tout ceo que per les auters eſt releaſe, & pluis. Per Releaſe de touts Demands, touts Franktenements & Enheritances Executorie ſont releaſe: Per Releaſe de touts Demands al Diſſeiſor, le droit de Entrie en le terre, & tout que eſt conteine deins ceo eſt releaſe: Per Releaſe de touts Demands, touts Executions ſont releaſe: Et ceſtuy que releaſe touts Demands, exclude luy meſme de touts Actions. Entries, & Seiſures.

Litcleton, fol. 170. teigne, Que ſi Tenant en Taile enfeoffe ſon Uncle, l'quel enfeoffe un aut' en Fee ove Garrantie; ſi apres le Feoffee per ſon Fait releſſa a ſon Uncle touts manners de Demands, per tiel Releaſe le Garantie, que eſt Covenant real & Executorie, eſt extinct: Et le reaſon eſt, pur ceo que per Releaſe des Demands touts les meanes & remedies, & les Cauſes de eux, que aſcun ad al Terres, Tenements, biens, Chattels, *&c.* ſont extinct, & per conſequence, le droit & intereſt meſme al choſe. Uncore Releas de touts Demands ne extend a tiels Briefs per queux riens eſt demand, neque en Fait neque en Ley, mes giſont ſolement a reliever le Plaintiff per voy de Diſcharge, & nemy per voy de Demand; come Releas de tout Demands neſt Barre in Brief de Error de reverſer un Utlagarie, & iſſint des ſemblables. Veies 18 *Ed.* 3. 59. *Coke lib.* 8. *fol.* 153, 154.

leaſed all that which by the others is releaſed, and more. By Releaſe of all Demands, all Freeholds and Inheritances executory are releaſed: By Releaſe of all Demands to the Diſſeiſor, the Right of the Entry in the Land, and all that is contained therein, is releaſed: By Releaſe of all Demands, all Executions are releaſed; and he that releaſes all Demands excludes himſelf from all Actions, Entries, and Seiſures.

Littleton, fol. 170. holds, That if Tenant in Tail enfeoffs his Uncle, who enfeoffs another in Fee with Warranty, if after the Feoffee by his Deed releaſes to the Uncle all manner of Demands, by ſuch Releaſe the Warranty, which is a Covenant real and executory, is extinct: And the Reaſon is, becauſe that by Releaſe of Demands all the Means and Remedies, and their Cauſes, which any hath to Lands, Tenements, Goods, Chattels, &c. are extinct, and by Conſequence, the Right and Intereſt it ſelf unto the thing. Yet a Releaſe of all Demands doth not extend to ſuch Writs by which nothing is demanded, neither in Deed nor in Law, but lie only to relieve the Plaintiff by way of Diſcharge, and not by way of Demand; as a Releaſe of all Demands is no Bar in a Writ of Error to reverſe an Outlawry, and ſo of ſuch like. See 1 Edw. 3. 59. Coke lib. 8. fol. 153, 154.

De-

Demandant.

Demandant is he that ſues or complains in an Action real for Title of Land; and he is called Plaintiff in an Aſſiſe, and in an Action perſonal, for Debt, Treſpaſs, Deceit, Detinue, and ſuch like.

Demiſe.

Demiſe, Dimiſſio, is applied to an Eſtate in Fee-ſimple Fee-tail, or for Life, and it is commonly taken in many Writs. Co. 2 Inſt fol. 83. The Death of the King is in Law called the Demiſe of the King.

Demurrage.

So called the Time when a Ship lies idle in a Port or Harbour, or on the Sea in a Calm.

Demurrer.

A Demurrer is when any Action is brought, and the Defendant pleads a Plea, to which the Plaintiff ſays that he will not anſwer, for that it is not a ſufficient Plea in the Law; and the Defendant avers the contrary, that it is a ſufficient Plea; and thereupon both Parties ſubmit the Cauſe to the Judgment of the Court: which is called a Demurrer, ſo that they go not forward in pleading, but reſt upon Judgment in that Point; and is called in Latin Records, Moratur in Lege.

For in every Action the Difference conſiſts either in Deed or in Law. If in Fact, it is tried by the Jury; If in Law, then the Matter is either

Demandant.

Demandant eſt celuy que ſue ou compleine en Action real pur Title de terre; & il eſt appel *Plaintiff* en un Aſſiſe, & en un Action perſonal, pur Det, Tranſgr', Diſceit, Detinue, & tiels ſemblables.

Demiſe.

Demiſe, Dimiſſio, eſt apply al un Eſtate en Fee-ſimple, Fee-tail, ou pur vie; & iſſint eſt communement priſe en pluſeurs Briefs. *Co. 2 Inſt. fol.* 83. Le mort le Roy eſt en ley appel le Demiſe del Roy.

Demurrage.

EST dit le temps que un Neiſt giſt idle en un Port ou Harbour, ou ſur le mere en un calm.

Demurrer.

Demurrer eſt, quand aſcun Action eſt port, & le Defendant plead un Plee, a que le Plaintiff dit que ne voile reſpond, pur ceo que il n'eſt ſufficient Plee en Ley; & le Defendant averr le contrarie, que il eſt ſufficient Plee; & ſur ceo ambideux mitteront le Cauſe al Judgment del Court: Que eſt appel un *Demurrer*, pur ceo que ils ne vaont ouſter en Pleading, mes Demurrer ſur Judgment de cel point; & dicitur en Latine Records, *Moratur in Lege.*

Car en cheſcun Action le difference conſiſt ou en Fait, ou en Ley. Si en Fait, il eſt trie per le Pais: Si en Ley, donque le matter eſt ou facile,

cile, ou dure & rare: Si il ſoit facile, donque Judgment eſt immediatement done; mes, quand il eſt dure & en awruſt, donque la eſt Demurrer fait, & temps priſe on de conſider ouſter ſur ceo per les Judges, de agreer ſi ils poyent, ou auterment per touts le Juſtices de vener enſemble en le Exchequer-Chamber, & ſur oyer de ceo que les Sergeants dieront de ambideux partes, de adviſer & determiner que eſt Ley: & ceo que eſt la conclude per eux eſtoyera firme, ſans auter remedie.

Eſt auxy un Demurrer al Evidence done a un Jury ſur Tryal dun iſſue. *Plow. Com.* 2. *Raſt. Entr.* 607.

Demy ſanke, ou Sangue.

Demy ſanke eſt, quand un home marie un feme, & ad iſſue per luy un fitz ou file, & le feme moruſt, & donques il priſt un aut' feme, & ad per luy auxy un fitz ou file: Ore ceux fitz ſont ſolonque un manner Freres, ou, come ils ſont appells Demy-freres, ou Freres del demy ſanke, ceſt adire, Freres per le part de Pere, pur ceo que ils ont ambideux un pere, & ſon ambideux de ſon ſangue, & nemy Freres per le part le Mere, ne de aſcun ſanke ou kinne ceſt voy; & pur ceo le un de eux ne poit eſtre Heire al auter: car il que voile claime come Heire al un per diſcent, doit eſtre de entire ſanke a luy de que il clame. En meſme le manner eſt, ſi feme ayt divers iſſues per

plain or difficult and rare. If it be plain, then Judgment is preſently given: But when it is hard and doubtful, then is Stay made and Time taken either to conſider farther thereupon by the Judges, to agree if they can, or otherwiſe for all the Juſtices to meet together in the Exchequer-Chamber, and, upon hearing of that which the Serjeants ſhall ſay unto both Parts, to adviſe and determine what is Law; and that which is there concluded by them ſhall ſtand firm, without further remedy.

There is alſo a Demurrer to Evidence given to a Jury upon Trial of an Iſſue. Plo. Com. 2. 3 Raſt. Entr. 607.

Half-blood.

HAlf-blood is, when a Man marries a Wife, and hath Iſſue by her a Son or a Daughter, and the Wife dies, and then he takes another Woman, and hath by her alſo a Son or Daughter: Now theſe two Sons are after a ſort Brothers, or as they are termed Half-Brothers, or Brothers of the Half-blood, that is, Brothers by the Father's Side, becauſe they had both one Father, and are both of his Blood, and no Brothers at all by the Mother's Side, nor of Blood unto him that way; and therefore the one of them cannot be Heir to the other: For he that will claim as Heir to one by Deſcent muſt be of the whole Blood to him from whom he claims. In the ſame Manner it is, if a Woman hath divers Iſſues by

vers Husbands, who are call-
Brothers by one Mother.

Denariata terræ.

Enariata Terræ. See Farding-deal.

Denelage.

Enelage is the Law that the Danes made here in Eng-nd, out of which and Mer-enlage and Weſtſaxonlage, Wil-m the Conqueror compoſed rtain Ordinances to be obſer-d by his Subjects.

Denizen.

Enizen, or Donaiſon, is, where an Alien born be-mes the King's Subjects, d obtains the King's Let-s Patents to enjoy all vileges as an Engliſhman: ut if one be made Denizen, ſhall pay Cuſtoms and ers other things as an im, as it appears by divers tatutes thereof made.

It ſeems that Donaiſon is true Name, ſo called, be-e that his Legitimation given to him, and not De-en, as derived from Deins . And the Law is ſo pre-in the making of Denizens, t the King cannot grant wer to any other to make ens born Denizens, it is the Law ſo inſeparably and idually annexed to his al Perſon; for the Law ems it a high Prerogative, make Aliens Subjects of Realm, and capable of nds and Inheritances, as ural born Subjects are.

And therefore the Statute 7 Hen. 8. cap. 24. which nites many of the moſt an-divers barons, qui *Fratres Uterini* dicuntur.

Denariata terræ.

Denariata terræ. Veies *Fardingdeal.*

Denelage.

Denelage eſt le Ley que les *Danes* feſoient icy en *Engleterre*, hors de que & *Merchenlage* & *Weſtſaxonlage Gulielme* le Conqueror compoſe certain Ordinances deſtre obſerve per ſes ſubjects.

Denizen.

Denizen, ou *Donaiſon*, eſt, lou Alien nee devient le Subject le Roy, & obtain les Letters Patents le Roy pur injoyer toutes Privileges come un home *Anglois*: Mes ſi un ſoit fait *Denizen*, il payera Cuſtomes & divers auters choſes come Alien, come appiert per divers Statutes de ceo fait.

Il ſemble que *Donaiſon* eſt le voyer noſme, iſſint appel, pur ceo que ſon Legitimation eſt *done* a luy; & nemy *Denizen*, come derive de *Deins nee*. Et le Ley eſt cy preciſe en le Feaſans de *Donaiſons*, que le Roy ne poit grane al aſcun auter a faire de Aliens nee Donaiſons, il eſt per la Ley cy inſeparablement & individualment annex a ſon Royal Perſon; car le Ley eſteem ceſt un haute Prerogative, a faire Aliens Subjects del Royalme, & capable de Terres & Inheritances, come natural Subjects nee ſont.

Et pur ceo le Stat. de 27 *H.* 8. *cap.* 24. que reunite pluſors del pluis ancient

Pre-

Prerogatives & Regal Flowrers del Corone, ne pas mention aſcun authority de faire Letters de Donaiſation deſtre reſume, pur ceo que aſcun ne unque ceo claime pas per aſcun pretext quecunque, il eſteant cy hault point de Prerogative. Veies Co. *lib.* 7. *Calvin's* Caſe.

cient Prerogatives and Regal Flowers of the Crown, make no mention of any Authority to make Letters of Denization to be reſumed, for that no ever claimed it by any Preter whatſoever, it being ſo high Point of Prerogative. S Coke lib. 7. Calvin's Caſe.

Deodand.

DEodand eſt, quand aſcun home per misfortune eſt occide per un Chival, Charret, ou auter choſe moveant ou aydant al ſon mort; cel choſe que eſt le cauſe de ſon mort, & que al temps de la misfortune mova, ſerra forfeit al Roy, & ceo eſt appel *Deodand*; & ceo perteine al Almon' le Roy, pur diſpoſer en Almes & ovres de charitie.

Mes il neſt forfeit tanque le choſe ſoit trove de Record, & pur ceo ils ne poyent eſte claime per Preſcription & le Jurie que trove ou preſent le mort per tiel miſadventure, doient auxy trover & appriſe le *Deodand*. *Co. lib.* 5. *fol.* 110.

Si un Chival percuſt un home, & puis le Owner vend le Chival, & donque le partie que fuit percuſſe moruſt del ſtroke; en ceo caſe le Chival ſerra forfeit come *Deodand*, nient obſtant le vendition, car relation ſerra al ſtroke que fuit paravant le vendition. *Plow. Com. fol.* 260. *b. Co* 5. *fol.* 110.

Omnia quæ movent ad mortem ſunt Deodanda.

Deodand.

DEodand is, when any M by Miſfortune is ſlain by Horſe, Cart, or any other thi that moves to further his Dea ſuch thing which at the Ti of his Miſfortune did mo or cauſe his Death ſhall be f feit to the King, and that called Deodand; and that p tains to the King's Almo for to diſpoſe in Alms Deeds of Charity.

But it is not forfeited u the Matter be found of Rec and therefore they cannot claimed by Preſcription: the Jury that finds or preſe the Death by ſuch Miſadv ture, ought alſo to find appraiſe the Deodand. Co. lib fol. 110.

If a Horſe ſtrikes one, afterwards the Owner ſells Horſe, and then the Party was ſtricken dies of the Str in this Caſe the Horſe ſha forfeited as a Deodand, withſtanding the Sale; for lation ſhall be had to the St which was before the Plowd. Com, 260. b. Co. 5. 110.

What move to Death, or kil
Are Deodands and forfeit

Departure from a Plea or matter.

Departure from a Plea or matter is, where a Man pleads a Plea in Bar, and the Plaintiff replies thereto, and he after in his Rejoinder pleads or shews another Matter, contrary, or not pursuing to his first Plea; that is called a Departure from his Bar. As if a Man pleads a general Agreement in Bar, and in the Rejoinder he alledges an especial Agreement; this shall be adjudged a Departure in Pleading. So in Trespass, if the Defendant will plead a Descent to him, and the Plaintiff saith, that after this the Defendant infeoffed him, and the Defendant saith, That this Feoffment was upon Condition, for the breach whereof he entred, this is a Departure from the Bar, for it is a new Matter. See Plow. Com. fol. 7 & 8.

Departure de son Plee ou matter.

Departure de son Plee ou matter est lou ou home plede un Plee en barre, & le Plaintiff reply a ceo, & il apres en son Rejoynder plede ou monstre auter matter, contrarie, ou nient pursuant a son primer Plee en barre; ceo est appel un *Departure* de son Barre. Come si home plead un general Agreement en barre, & en le Rejoynder il alledge un especial Agreement; ceo serra adjudge un Departure en Pleading. Issint en Trespas, si le Defendant voit' pleader discent a luy, & le Plaintiff dit, que puis ceo le Defendant infeoffe luy, & le Defendant dit, que ceo Feoffment fuit sur Condition, pur le enfriend' de que il enter, ceo est Departure del Barre, car est novel chose. Veies *Plow. Com. fol.* 7 & 8.

Departure in despight of the Court.

Departure in despight of the Court is, when the Tenant or Defendant appears to an Action, and hath a Day in the same Term, or is called after, though he had no Day given him, so that it be in the same Term, if he do not appear, but make Default, it is a Departure in despight of the Court, and therefore he shall be condemned.

And it is to be observed, that Departure in Despight of the Court is always on the Part of the Tenant or Defendant,

Departure en spite del Court.

Departure en spite del Court est, quand le Tenant ou Defendant appeare al Action, & ad jour ouster en mesme le Terme, ou est demand apres, coment nul jour soit en mesme le Terme, si ne appeare, mes fait Default, ceest un *Departure en despight del Court*, & pur ceo il serra condemne.

Et est destre observe, que *Departure* en despight del Court est touts foirs del part del Tenant ou Defendant, &

le

le Entry de ceo eſt. *Quod prædictus* A. *licet ſolemniter exactus, non revenit, ſed in contemptum Curiæ receſſit, & Defaltam fecit*: Et ceo eſt quand en Judgment del Ley il eſt preſent en Court, & eſteant demand, depart en deſpight del Court; ceo amount a un Barre en reſpect del Deſpight & Contempt al Court. Veies *Co. lib.* 8. *fol.* 62.

Depoſition.

D*Epoſition, Depoſitio*, eſt le Teſtimonie de un Teſmoign ameſne en eſcrit per voy de reſponſe al Interrogatories exhibit en le *Chancery*, lou tiel Teſmoign eſt appel un Deponent.

Deprivation.

D*Eprivation* eſt, quand un Abbe, Eveſque, Parſon, Vicar, Prebend, *&c.* eſt deprive ou depoſe de ſon Preferment pur aſcun choſe en Fait ou en Ley. Come ſi un Miſcreant ou Schiſmatique ſoit preſent, admit, & induct, la eſt bone cauſe de Deprivation: Iſſint ſi mere Laicus ſoit preſent, admit, inſtitute, & induct, uncore il ſerra deprive: Ou ſi l'Incumbent ad Plurality des Benefices; ou ne ſubſcribe a les Articles de Religion, ſolonque le Statute de 13. *Eliz. cap.* 12.

Per le Statute de 21 *H.* 8. *cap.* 12. eſt enact, Que ſi aſcun perſon, ayont un benefice ove *Cura animarum* del annuel value de huict livers ou ouſter, accepra ou prendra aſcun aut' ove Cure des ames, & ſoit inſtitute & induct en le poſ-

and the Entry thereof Quod prædictus *A.* licet ſol niter exactus, non revenit, ſe contemptum Curiæ receſſit, Defaltam fecit: and this when in Judgment of the he is preſent in Court, being demanded, departs deſpight of the Court; amounts to a Bar in re of the Deſpight and Conte of the Court. See Coke li fol. 62.

Depoſition.

DEpoſition, Depoſitio, is Teſtimony of a Wit taken in Writing by way of ſwer to Interrogatories bited in Chancery, where Witneſs is called a Depo

Deprivation.

DEprivation is, when an bot, Biſhop, Parſon, car, Prebend, &c. is depri depoſed from his Prefer for any Matter in Fact Law. As if a Miſcrea Schiſmatick be preſented mitted, and inducted, th good Cauſe of Deprivation if a meer Lay-man be pre admitted, inſtituted, an ducted, yet he ſhall be dep Or if the Incumbent hath rality of Benefices; or ſcribe not to the Articl Religion, according to th tute of 13 Eliz. cap. 12.

By the Statute of 2 cap. 12. it is enacted, any Perſon, having a B with Cure of Souls of the Value of eight Pounds, o accepts or takes any oth Cure of Souls, and be in and inducted into the Po

reof; the first Benefice shall void, and the Incumbent in s Case is outed or deprived Cession. In which Case the shop needs not give Notice to Patron, because the Deation is by Act of Parliat, to which every one is rty, and ought to take No- at his Peril. But otherse it is if the first Church be of the yearly Value of eight unds, for then it is void rly by the Ecclesiastical w. See Co. lib. 4. fol. 76. 7. 43. b.

Deputy.

puty is he that exercises in another Man's Right ei- Office or any other thing; his Forfeiture or Misdeor shall cause the Officer, im whose Deputy he is, se his Office. But a Man t make his Deputy in Cases, except the Grant so As if it be with these or like Words, To exercise or y himself or his sufficient y; or if the Words go far- To himself or his Deputy, e Deputy of his Deputy, he may make a Deputy, is Deputy also may make puty, or else not. As if Office of a Parkership be ed to one, he cannot grant over to another, because an Office of Trust and dence, and shall not be for- And there is great Di- between Deputy and As- of an Office: For an ee is a Person that hath ate or Interest in the Of- self, and doth all things own Name, for whom antor shall not answer,

session de ceo; le prime Benefice serra void, & le Incumbent en ceo case est ouste ou deprive per Cession. En quel case ne besoigne al Evesque a doner notice al Patron, pur ceo que le Deprivation est per Act de Parliament, a que chescun est partie. & doit prender notice a son peril. Mes autrement est si le primer Esglise ne soit de annuel value de huict livers, car donque ceo est voide merement per le Ecclesiastical Ley. Veies *Cok. lib. 4. fol. 76. & lib. 7. 47. b.*

Deputie.

D*Eputie* est celuy que exercise en aut' droit, soit ceo office ou ascun aut' chose: Et son forfeiture ou misdemeanour causera l'Officer, ou celuy quel Deputie il est, de perder son Office. Mes un ne poit faire son Deputie en touts cases, nisi le Graunt soit issint: Sicome sil soit ove ceux ou tiels semblables parolx, *Exercendo per se, vel sufficientem Deputatum suum*; ou si les parolx va ouster, *Per se, vel Deputatum suum, aut Deputat. Deputati*; donques il poit faire un Deputie, & son Deputie auxy poit faire un Deput', autrement nemy. Come si le Office de Parkership soit grant a un, il ne poit grant' ceo ouster a un auter, pur ceo que est Office de trust & confidence, & ne serra forfeit. Et la est grand diversitie inter *Deputie* & *Assignee* de un Office: car un *Assignee* est person que ad estate ou interest en le Office mesme, & fait touts choses en son nosme demesne, pur que son Grantor

ne

ne reſpondera, ſi non que ſoit en eſpecial caſes; & un *Deputie* n'ad aſcun Eſtate ou intereſt en le Office, mes eſt forſque le umbre del Officer, & fait touts choſes en le noſme del Officer meſme, & rien en ſon noſme de meſme, & pur que ſon Grantor reſpondera: Et quand un Officer ad power a faire Aſſignes, il poit implicite faire Deputies, cat, *Cui licet quod majus eſt, non debet quod minus eſt non licere*; & pur ceo quand Office eſt grant a un & a ſes Heires, per ceo il poit faire Aſſignes, & per conſequence il poit faire Deputies.

Le Roy per ſes Letters Patents commit al Viſcount *Cuſtodiam Comitatus*, ſans expreſſe parols de faire Deputie; & uncore il poit faire un South-Viſcount, ceſtaſcavoir, ſon Deputie. Iſſint quand devant le Statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad done Terres a un Chivaler, a tener de luy per Service de Chivalrie, ceſt adire, de aler ove ſon Seignior (quand le Roy fait Voyage Royal a ſubduer ſes Enemies) pur 40 jours, bien & covenablement array pur le Guerre; ore il poit trover auter able Perſon; uncore en l'un caſe il concerna le publique Adminiſtration & execution del Juſtice en temps de Peace; & en l'aut' le publipue Defence del Royalme en temps de Guerre. Veies *Coke, lib 9. La Countee de Salop's Caſe.*

unleſs it be in eſpecial Caſes and a Deputy hath not any E ſtate or Intereſt in the Offic but is only the Shadow of t Officer; and doth all thing in the Name of the Offic himſelf, and nothing in h own Name, and for which h Grantor ſhall anſwer: A where an Officer hath Pow to make Aſſigns, he may im plicitly make Deputies; f He that may do more, ought not to be held unlawf for him to do leſs; and thereſo when an Office is granted one and to his Heirs, by th he may make Aſſigns, and Conſequence he may make D puties.

The King by his Lette Patents commits to the Sh riff the Cuſtody of the Coun without expreſs Words of m king a Deputy; and yet may make an Under-Sher viz. his Deputy. So wh before the Statute of Q emptores terrarum, the K or other Lord, had given La to a Knight, to hold of t by Knight's Service, that to go with his Lord (w the King makes a Voy Royal to ſubdue his Enemi for 40 Days, well and co mently arrayed for the W yet he may find another Perſon: Howbeit, in the Caſe it concerns the pub Adminiſtration and Exerci of Juſtice in Time of Pe and in the other, the pub Defence of the Realm in T of War. See Coke, lib. 9 Countee de Salop's Caſe.

De quibus ſur diſſeiſin.

THIS is a Writ of Entry. See Fitz. Nat. Brev. fol. 191.

Dereine.

DEreine is taken in divers Senſes, and ſeems to come from the French Diſarrayer, that is, to confound or put out of Order; or elſe the Norman Word Deſrene, which is the Denial of a Man's own Act; and Lex Deraiſnia was the Proof of a Thing which one denies to be done by himſelf, and his Adverſary affirms it, defeating and confounding the Aſſertion of his Adverſary, and ſhewing it to be without and againſt Reaſon or Probability. And in our Law it is diverſly uſed. Firſt, generally, to prove; as Dirationabit jus ſuum hæres propinquior. Glanvile, l. 2. c. 6. and he, l. 4. c. 6. ſaith, Habeo probos homines qui viderunt & audiverunt, & parati ſunt hoc dirationare. In the ſame manner Bracton uſes it, Habeo ſufficientem diſratiocinationem & probationem.

By the Statute of 31 H. 8. cap. 1. Joyntenants and Tenants in common ſhall have Aid, to the intent to deraigne the Warranty paramount. So Plow. in Manxel's Caſe, fol. 7. b. hath this Caſe, If a Man hath an Eſtate in fee with Warranty, and enfeoffs a Stranger with Warranty, and dies, and the feoffee vouches his Heir; the Heir ſhall deraigne the firſt Warranty. Alſo this Word is uſed when religious Men forſake their Orders and Profeſſions;

De quibus ſur diſſeiſin.

CEO eſt un Brief de Entry. Veies *Fitz. Nat. Brev. fol.* 191.

Dereine.

Dereine ou *Deraigne* eſt priſe en divers ſenſes, & ſemble a venir del Francois *Diſarrayer*, ceo eſt, confounder ou mitter hors de order; ou auterment del *Norman* parol *Deſrene*, que eſt le denial del proper fait de un home; & *Lex Diſraiſnia* fuiſt le Proof de un choſe que un denia deſtre fait per luy meſme, & ſon adverſarie affirme, defeatant & confoundant le aſſertion de ſon Adverſarie, & monſtrant ceo deſtre ſans & envers reaſon ou probabilitie. Et en noſtre Ley il eſt variouſment uſe. Primerment, generalment, de prover; com-, *Diration·bit jus ſuum hæres propinquior. Glanvile, l.* 2. *c.* 6. & *l.* 4. *c.* 6. dit. *Habeo probos homines qui hoc viderunt & audiverunt, & parati ſunt hoc dirationare.* En meſme le maner *Bracton* ceo uſe, *Habeo ſufficientem Diſratiotinationem & probationem*

Per le Statute de 31 *H* 8. *cap.* 1. Joyntenants & Tenants en common averont Ayde, al entent a *deraigner* le Garrantie paramount. Iſſint *Plow. in Manxel's Caſe, fol.* 7. *b.* ad ceſt Caſe, Si home ad Eſtate en fee, ove Garrantie, & enfeoffe eſtranger ove Garrantie, & moruſt, & le Feoffee vouch ſon Heire; le Heire *deraignera* le primer Garrantie. Auxy ceſt parol eſt uſe quant religious Homes waiva lour Orders & Profeſſions; come en

Kitchin, fol. 152. *b* ſi home fait Leaſe pur vie ſur condition, que ſi le Leſſor devie ſans iſſue, que donques le Leſſee avera Fee, le Leſſee enter en Religion, & puis le Leſſor devie ſans iſſue, & puis le Leſſee eſt *deraigne*; il navera Fee entant que al temps del Condition le Fee ne poit veſt en luy.

as in Kitchin, fol. 152. b. if a Man makes a Leaſe for Life upon condition, that if the Leſſor dies without Iſſue, then the Leſſee ſhall have Fee, the Leſſee enters in Religion, and then the Leſſor dies without Iſſue, and after the Leſſee is deraigned; he ſhall not have Fee, inſomuch as at the time of the Condition the Fee cannot veſt in him.

De ſon tort demeſne.

DE *ſon tort demeſne* ſemble deſtre certain parols de forme en un Action de Treſpaſſe, uſe per voy de Reply al Plee del Defendant: Come ſi *A* ſuiſt *B.* en un Action de Treſpaſſe, *B* reſpondue pur luy meſme, que il ad ceo fait que *A.* appel Treſpaſſe per le commandment de *C.* ſon Maſter; *A.* dit arere, que *B* ad ceo fait *de ſon tort demeſne*, ſans ceo que *C* luy commanda modo & forma, *&c.*

De ſon tort demeſne.

DE ſon tort demeſne ſeem to be certain Words of Form in an Action of Treſpaſs, uſed by way of Reply to the Plea of the Defendant: As if A. ſues B. in an Action of Treſpaſs, and B. anſwers for himſelf, that he did this which A. calls Treſpaſs by the Commandment of C. his Maſter; A. ſaith again, that B. did this of his own wrong without that that C. commanded him in ſuch manner and form, *&c.*

Dett.

DE*tt* eſt un Brief que giſt lou aſcun ſumme de argent eſt due a un per reaſon de Accompt, Bargain, Contract, Obligation, ou auter Eſpecialtie, a eſte pay a aſcun certain jour, le quel neſt pay; donques il avera ceſt Brief. Mes ſi aſcun argent ſoit due a aſcun Seignior per ſon Tenant pur aſcun Rent-ſervice, le Seignior ne unques avera Action de Dett pur ceo, mes il faut diſtreine pur ceo. Auxy pur Rent charge ou Rent-ſeck, quel home ad pur terme de ſon vie, en taile, ou en fee, il navera Action de Dett cy longe come le Rent endure; mes ſes Executors poyent aver un

Debt.

DEbt is a Writ that lies where any Sum of Money is due to a Man by reaſon of Account, Bargain, Contract, Obligation, or other Eſpecialty, to be paid at a certain Day, which is not paid; then he ſhall have this Writ. But if any Money be due to any Lord by his Tenant for any Rent-ſervice, the Lord ſhall never have Action of Debt for that, but he muſt diſtrain for it. Alſo for Rent charge or Rent-ſeck, which any Man hath for Life, in Tail, or in Fee, he ſhall not have an Action of Debt as long as the Rent continues; but his Executors may have an Action of Debt for the Arrearages due

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the Life of their Teſtator, by the Statute 32 H. 8. c. 37.

For Arrearages of Rent reſerved upon a Leaſe for Term of Years, the Leſſor is at his Election to have an Action of Debt, or to diſtrain: But if the Leaſe be determined, then he ſhall not diſtrain after for that Rent, but he muſt have an Action of Debt for the Arrearages.

And note, That by the Law of the Realm Debt is only taken to ariſe upon ſome Contract or Penalty impoſed by ſome Statute or Pain, and not by other Offence, as in the Civil Law, Debitum ex delicto.

If a Man enter into a Tavern to drink, and when he hath drank, goes away, and will not pay the Vintner; the Vintner ſhall not have an Action of Treſpaſs againſt him for his Entry, but ſhall have an Action of Debt for the Wine.

If I deliver Cloth to a Tailor to make a Gown, if the Price be not agreed on in certain before, how much I ſhall pay for the making; he ſhall not have againſt me a general Action of Debt, but a ſpecial one, and ſhall declare ſpecially, and it ſhall be put to the Jury, how much he deſerves.

But if a Tailor make a Bill, and himſelf rates the making, and the Neceſſaries thereunto; he ſhall not have an Action of Debt for his own Values, unleſs it was ſpecially ſo agreed; but in ſuch caſe he may detain the Garment until he be paid, as an Hoſtler may his Gueſt's

Action de Dett pur les Arrerages due en le vie lour Teſtator, per le Statute 32 H. 8. c. 37.

Pur Arrerages de Rent reſerve ſur un Leaſe pur terme de ans, le Leſſor eſt a ſon election d'aver Action de Dett, ou pur diſtreiner: mes ſi le Leaſe determine, donques il ne diſtreinera apres pur cel Rent, mes covient luy d'aver un Action de Dett pur les Arrearages.

Et nota, Que per le Ley del Realme Dett eſt ſolement priſe de ſurder ſur aſcun Contract ou Penaltie impoſe per aſcun Statute ou paine, & nemy pur auter Offences, come en le Civil Ley, *Debitum ex delicto.*

Si home enter Taverne a boyer, & quand il ad boya, il de ala, & ne voet pay le Taverner; le Taverner navera Action de Treſpaſſe vers luy pur ſon Entrie, mes avera Action de Dett pur le Vine.

Si jeo deliver Drape a un Tailor a faire un Toge, ſi le priſe ne ſoit agree en certain devant, combien jeo payera pur le feaſance; il navera vers moy un general Action de Dett, mes un ſpecial Action de Debt, & countera ſpecialment, & il ſerra mis al Jurie quant il deſerve.

Mes ſi un Tailor fait un Bill, & il meſme rate le feaſance & les neceſſaries a ceo; il navera Action de Dett pur ſes values demeſne, ſi non que fuit iſſint eſpecialment agree; mes en tiel caſe il poit deteine le Garment tanque il ſoit ſatisfie, come un Hoſtler

poit le Chival de ſon Gueſt pur ſon viands. *Coke l.* 8. 147.

Auxy Dett giſt pur fines de Copyholds & pur amerciaments en Courts Leet, & Courts Baron, & ſur awards, & ſur recoveries en baſe Courts, ou Courts de Record.

Detinue.

D*Etinue* eſt un Brief que giſt vers luy, que ayant biens & chattels deliver a luy de gard, refuſe de reſtorer eux arere. Vide de ceo *Fitz. Nat. Brev.* 138.

Devaſtaverunt bona Teſtatoris.

D*Evaſtaverunt bona Teſtatoris* eſt quand les Exeutors voile deliver Legacies, ou faire reſtitution pur torts faits per lour Teſtator, ou pay ſes Debts due ſur Contract ou Specialties, queux jours de payment ne ſont uncore venus, &c. & ne gard ſufficient en lour mains pur diſcharge ceux Detts ſur Records ou Specialties que ils ſont compellable primerment per le Ley de ſatisfier; donques ils ſerront conſtraine de payer de lour biens demeſne ceux duties, accordant al value de ceo que ils deliveront ou pay ſans compulſion: car tiel irregular & illoyal Payments ſont account en le Ley un *Vaſtant* des biens del Teſtator, cy tant come ſi ils ad done eux ſans cauſe, ou vend eux, & convert a lour proper uſe.

Et pur ceo ſi *A.* ſoit lie en Recogniſance, ou en Statute Hozſe foz his Meat. Coke l. 8. 147.

Alſo Debt lyeth foz Fines of Copyholds, and foz Amerciaments in Courts Leet, and Courts Baron, and upon Awards, and upon Recoveries in baſe Courts, oz Courts of Recozd.

Detinue.

DEcinue is a Wzit that lies againſt him, who having Goods and Chattels delivered to him to keep, refuſes to redeliver them. See hereof, Fitz. Nat. Brev. 138.

Devaſtaverunt bona Teſtatoris.

DEvaſtaverunt bona Teſtatoris is, when the Executozs will deliver Legacies, oz make reſtitution foz Wrongs done by their Teſtatoz, oz pay his Debts due upon Contracts oz Specialties, whoſe Days of Payment are not yet come, &c. and keep not ſufficient in their Hands to diſcharge thoſe Debts upon Recozds oz Specialties, which they are compellable by the Law to ſatisfie in the firſt Place; then they ſhall be conſtrained to pay theſe out of their own Goods accozding to the Walue of what they voluntarily delivered or paid without Compulſion; for ſuch irregular and illegal Payments are accounted in the Law a Waſting of the Goods of the Teſtatoz, as much as if they had given them away without Cauſe, oz ſold them, and converted them to their own Wſe.

And therefoze if A. be bound in a Recogniſance, oz in a Statute

Statute-Merchant, or Staple, and after Recovery is had against him in an Action of Debt, and he makes his Executors, and dies; his Executors are bound by the Law to pay the Debt due upon the Recovery, although it be later in Time, before the Debt due by Recognisance or Statute, because though both are Records, yet the Judgment in the King's Court upon judicial and ordinary Proceeding is more notorious and conspicuous, and of a more high and eminent Degree, than a Statute or Recognisance taken in private, and by Consent of Parties, and is therefore preferred in Judgment of the Law before Recognisance or Statute: and if the Executors do not satisfy the first, then if they have no Goods of the dead in their Hands, they shall pay it of their own. So the Ordinary having Goods of one that dies intestate in his Hands by Sequestration, and an Action of Debt upon an Obligation to the Value of the said Goods is brought against him as Ordinary; he shall not dispose or administer any Parcel of the said Goods to the other Creditors at his Pleasure, but is bound to satisfy the Debt first for which an Action is brought against him. Dyer, fol. 232. placito 5.

If a Sheriff return ex officio without Inquest, that the Executor hath waited Goods, the Execution goes de bonis propriis of the Executor, and if the Return be false, then the Executor may have an Action upon the Case against the Sheriff for his false Return, because the Executor hath no Day to plead.

Merchant ou Staple, & puis Recoverie est fwe vers luy en Action de Dett, & il fait ses Executors, & moruſt; ses Executors sont tenus per la Ley a payer le Det due sur Recoverie, coment que soit puisne, devant le Dett due per Recognisance ou Statute, pur ceo que coment que ambideux sont Records, uncore le Judgement en le Court le Roy sur judicial & ordinary proceeding est pluis notorious & conspicuous, & de pluis hault & eminent degree, que un Statute ou Recognisance prise en private, & per consent des parties, & pur ceo preferre en jugement del Ley devant Recognisance ou Statute: & si l'Executors ne ceo primerment satisfie, donque sils nont des biens le mort en lour mains, ils responderont ceo de lour biens demesne. Issint l'Ordinarie ayant biens de un que moruſt intestate en ses mains per Sequestration, & un Action de Dett sur un Obligation al value des dits biens soit port vers luy come Ordinarie; il ne disposera ou administera ascun parcel de les dits biens a les auters Creditors a son pleasure, mes est tenus a satisfier le Dett primes de que un Action est attempt vers luy: *Dyer, fol.* 232. *placito* 5.

Si un Viscount retorne *ex officio* sans Enquest, que l'Executor ad degast biens, l'Execution issue envers les proper biens del Executor. Et si le retorne soit faux, donques l'Executor poit aver un Action sur le Case versus le Viscount pur son faux retorne, pur ceo que l'Executor ad nul jour

a pleder. Mes ſi le Viſcount retorne *devaſtavit* ſur un Enqueſt per Jury, l'Executor poit appear & traverſe *quod ipſe non devaſtavit*, & trie ceo. 1 *Cro. Mounſon & Bourne, & Proctor verſus Chamberlain.*

Devenerunt.

D*Evenerunt* eſt un Brief direct al l'Eſcheator, quand aſcun Tenants le Roy, que tient en *Capite* moruſt, & quand ſon Fils & Heire deins age, & en cuſtodie le Roy, moruſt, donque ceſt Brief iſſera, commandant l'Eſcheator, que il per le ſerement de probes & loyals homes enquire que Terres ou Tenements per le mort le Tenant deveigne al Roy, &c. Veies *Dyer, fol.* 360. *placit.* 4. Mes veies le Statute 12 *Car.* 2. *cap.* 24.

Deveſt.

D*Eveſt* eſt un parol contrary al *Inveſt*; car come *Inveſt* ſignifie a trader le poſſeſſion de un choſe, iſſint *Deveſt* ſignifie l'auferance de ceo.

Deviſe.

D*Eviſe* eſt, lou un en ſon Teſtament done ou grant ſes Biens ou ſes Terres a un auter apres ſon deceaſe. Et lou tiel Deviſe eſt fait des Biens, ſi les Executors ne voylent delivet eux a le Deviſee, il nad remedie per le Common Ley; mes il covient de aver un Citation vers les Executors le Teſtator, de appearer devant le Ordinary, de monſtrer pur que ils ne performe le Volunt le Teſtator: car le Deviſee ne poit prender le Legacie & luy meſme ſerver, mes il doit

But if the Sheriff return a devaſtavit upon an Inquiry by a Jury, the Executor may appear and traverſe, quod ipſe non devaſtavit, and try it. 1 Cro. Mounſon and Bourne, and Proctor verſus Chamberlain.

Devenerunt.

DEvenerunt is a Writ directed to the Eſcheator, when any of the King's Tenants, holding in Capite dies, and when his Son and Heir, within Age, and in the King's Cuſtody, dies, then ſhall this Writ go forth, commanding the Eſcheator, that he by the Oath of good and lawful Men enquire what Lands or Tenements by the Death of the Tenant come to the King, &c. See Dyer, fol. 360. placit. 4. But ſee the Statute 12 Car. 2. cap. 24.

Deveſt.

DEveſt is a Word contrary to Inveſt; for as Inveſt ſignifies to deliver the Poſſeſſion of a Thing, ſo Deveſt ſignifies the taking it away.

Deviſe.

DEviſe is, where a Man in his Teſtament gives or bequeaths his Goods or Lands to another after his Deceaſe. And where ſuch Deviſe is made of Goods, if the Executors will not deliver them to the Deviſee he hath no Remedy by the Common Law, but it behoves him to have a Citation againſt the Executors of the Teſtator, to appear before the Ordinary, to ſhew why they perform not the Will of the Teſtator: for the Deviſee may not take the Legacy and ſerve himſelf, but

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must be delivered to him by the Executors. See the Stat. 32. H. 8. cap. 1. & 34 H. 8. c. 5. & 29 Car. 2. c. 3. By which last Statute the Law of Teſtaments is altered.

But by the Common Law, if a Man be ſole ſeiſed of Lands in Fee, and deviſes them by Teſtament, this Deviſe was void, unleſs the Lands were in a City or Borough where Lands are deviſable by Cuſtom. But if any Man were infeoffed to the Uſe of another and his Heirs, and he to whoſe Uſe he was ſo ſeiſed did make Deviſe of his Lands, this Deviſe was good, though it were not in a Town where Lands are deviſable.

Alſo if any Man deviſe Lands in City, Town, or Borough, deviſable, and the Deviſor dies; if his Heir or any other abate in the Lands, then the Deviſee ſhall have a Writ of Ex gravi querela. But this Writ ſhall never be pleaded before the King's Juſtice, but always before the Mayor or Bailiffs in the ſame Town.

And here, to the end to ſhew how much the Laws of this Realm, and the diſcreet Judges of the ſame, who are the Interpreters of it, do favour Wills and Teſtaments, and Deviſes, by yielding to them ſuch a reaſonable Conſtruction as they think might beſt agree with the minds of the Dead, conſidering that Wills and Teſtaments are for the moſt part, and by common Intendment, made when the Teſtator is very ſick, weak, and paſt all Hope of Recovery: it is a received Opinion in

eſtre deliver a luy per les Executors. Vide le *Stat.* 32. *H.* 8. *cap.* 1. & 34 *H.* 8. *c.* 5. & 29 *Car.* 2. *c.* 3. per quel darreine Statute le Ley des Teſtaments eſt alter.

Mes per le Common Ley, ſi home fuit ſole ſeiſie de Terres en fee, & deviſa eux per ſon Teſtament; ceſt Deviſe fuit voide, ſi non les Terres fueront en un Citie ou Borough lou Terres ſont deviſable per Cuſtome. Mes ſi aſcun home fuiſſoit enfeoffe al uſe de un auter & ſes Heires, & ceſtuy a que uſe il fuit iſſint ſeiſie feſoit Deviſe de ſes Terres; ceſt Deviſe fuit bone, comment que il ne fuit en Ville lou Terres ſont deviſable.

Auxy ſi aſcun home deviſe Terres en Citie, Ville, ou Borough, deviſable, & le Deviſor devie; ſi ſon Heire ou aſcun auter abate en les Terres, donques le Deviſee aveta Brief de *Ex gravi querela*. Mes ceſt Brief ne ſerra jammes plede devant le Juſtice le Roy, mes touts foirs devant le Maior ou Bailiffe en le dit Ville.

Et ore, al fine de monſtre quant les Leys de ceſt Royalm, & les diſcreet Judges de ceo, queux ſont les Interpreters, ont favour Volunts & Teſtaments, & iſſint Deviſes, en yeelding al eux tiel reaſonable conſtruction come ils penſent poit bien agree ove les mentes de les morts, conſiderantes que Volunts & Teſtaments ſont pur le pluis part, & per common intendment, fait quand le Teſtator eſt ore en grand languor feeble, & paſſa tout ſperans de recoverie: car il eſt un opinion

en le Pays inter le greinder nombre, que si un home perchance soit cy prudent come da faire son Volunt en son bone sanitie, quand il est strong, de bone memorie, & ad temps & opportunitie a demand counsel (si ascun doubt soit) de le learned, que donques il ne doit viver long aprés; & pur ceo ils ceo deferre tanque tiel temps quant ceo soit pluis convenient de applier eux mesmes a le disposition de lour Ames, que de lour Terres & Biens, si non que il soit que de fresh memorie & recital per eux a cest temps, il poit estre un cause de mitter eux en ment de ascun de lour biens ou terres fauxment purchase, & issint move eux al restitution, &c. Et a cest temps l'escriture de tiels Volunts est communement commit al Minister del Paroch, ou al ascun auter pluis ignorant, que ne scavoit queux parols sont necessarie pur faire un Estate en Fee-simple, Fee-taile, pur terme de vie, ou tiels semblables, preter divers auter mischiefs: Jeo voile pur ceo mis cy ascuns de ceux Cases queux sont pluis common en les bouches de les ignorant homes, & portant, per le scavient interpretations de les Judges, un large & pluis favourable sense en Volunts, que en Faits.

Et pur ceo primerment. si un devise al J. S. per son Volunt touts ses Terres & Tenements; icy non solement touts ceux Terres que il ad en possession passont, mes auxy touts ceux que il ad en Reversion, per vertue de ceux parols, Tenements.

the Country amongst most, that if a Man should chance to be so wise as to make his Will in his good Health, when he is strong, of good Memory, and hath Time and Leisure to ask Counsel (if any Doubt were) of the learned, that then he should not live long after; and therefore they defer it to such time when it were more convenient to apply themselves to the Disposition of their Souls, than of their Lands or Goods, except it were, that by the fresh Memory and Recital of them at that time, it might be a Cause to put them in mind of some of their Goods or Lands falsly gotten, and so move them to Restitution, &c. And at that time the penning of such Wills is commonly committed to the Minister of the Parish, or to some other more ignorant, who knows not what Words are necessary to make an Estate in Fee-simple, Fee-tail, for Term of Life, or such like, beside many other Mischiefs; I will therefore here set down some of those Cases that are most common in ignorant Mens Mouths and Carry, by the wise Interpretations of the Judges a larger and more favourable Sense in Wills, than Deeds.

First therefore, if one devise to J. S. by his Will all his Lands and Tenements; he hath not only all those Lands that he hath in Possession do pass but all those that he hath in Reversion, by Virtue of the Words, Tenements.

And if Lands be deviſed to a Man to have to him for ever, or to have to him and his Aſſigns; in theſe two Caſes the Deviſee ſhall have a Fee-ſimple. But if it be given by Feoffment in ſuch manner, he hath but an Eſtate for Term of Life.

And if a Man deviſe his Land to another, to give, ſell, or do therewith at his Pleaſure or Will; this is Fee-ſimple.

A Deviſe made to one and to his Heirs Males doth make an Eſtate-tail: But if ſuch Words be put in a Deed of Feoffment, it ſhall be taken for Fee-ſimple, becauſe it doth not appear of what Body the Heirs Males ſhall be begotten.

If Lands be given by Deed to J. S. and to the Heirs Males of his Body, &c. who hath Iſſue a Daughter, who hath Iſſue a Son, and dies; there the Land ſhall return to the Donor, and the Son of the Daughter ſhall not have it, becauſe he cannot convey himſelf by Heirs Males, for his Mother is a Let thereto: But otherwiſe it is of ſuch a Deviſe. for there the Son of the Daughter ſhall have it, rather than the Will ſhall be void.

If one Deviſe to an Infant in his Mother's Belly, it is a good Deviſe; but otherwiſe by Feoffment, Grant, or Gift; for in thoſe Caſes there ought to be one of Ability to take preſently, or otherwiſe it is void. See 14 El. Dy. 304.

Et ſi Terres ſont deviſe a un home a aver a luy imperpetuum, ou aver a luy & ſes Aſſignes; en ceux deux caſes le Deviſee avera Fee-ſimple. Mes ſi ſoit done per Feoffment en tiel manner, il nad forſque Eſtate pur terme de vie.

Auxy ſi un home deviſe ſes Terres al auter, pur doner, vender, ou faire de ceo a ſon volunt & pleaſure; ceo eſt Fee-ſimple.

Un Deviſe fait al un & a ſes Heires males fait un Eſtate taile: Mes ſi tiels parolx ſont mis en un fait del Feoffment, il ſerra priſe pur Fee-ſimple, pur ceo que il nappiert de que corps les Heires males ſerra engender.

Si Terres ſont done per Fait al *J. S.* & a les Heires males de ſon corps, &c. que ad iſſue file, que ad iſſue fits, & moruſt; la le Terre revertera al Donour, & le fits de file navera ceo, pur ceo que il ne poit a luy meſme conveyer per Heires males, car la mere eſt un obſtacle a ceo: Mes autrement eſt de tiel *Deviſe*, car la le fitz del file ceo avera, pluſtoſt que le Volunt ſerra void.

Si un deviſe al Enfant en *ventre matris ſuæ*, ceſt bone Deviſe; mes autrement per Feoffment, Graunt, ou Done; car en ceux caſes il doit eſtre un del habilitie pur prender maintenant, autrement il eſt void. Veies 14 *El. Dy.* 304.

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Un Devise fait en Fee-simple, sans expresse parols del Heires, est bone en Fee-simple.

Mes si un Devise soit al J. N. il avera les Terres forsque pur terme de vie; car ceux parols ne voilent porter greinder Estate.

Si un voile que son fits J. avera son Terre puis le mort sa feme; icy le feme le Devisor avera le Terre primes pur terme de sa vie. Issint si home devise ses biens a sa feme, & que apres le decease de son feme, son fits & Heire avera le Meason ou les biens sont; la le fits navera le Meason durant le vie de le feme: Car il appiert que son intent fuit, que sa feme doit aver le Meason auxy pur sa vie, nient obstant il ne fuit devise a luy per expresse parols.

Si un Devise soit al J. N. & a les Heires females de son corps engendres, apres le Devisee ad issue fits & file, & morust; icy le file avera le Terre, & nemy le fits, & uncore il est pluis digne Person, & Heire al son Pere: mes pur ceo que Volunt del mort est, que le file doit ceo aver, Ley & Conscience voet issint auxy.

Et en cest point les Heathens fueront precise, come appiert per ceux Verses de *Octavius Augustus*, que *Donatus* report il fesoit apres que *Virgil* a son mort donoit commandement que ses Livres doint estre combure, pur ceo que ils fueront imperfect, &

A Devise made in Fee-simple, without express Words of Heirs, is good in Fee-simple.

But if a Devise be made to J. N. he shall have the Land but for Term of Life; for those Words will carry no greater Estate.

If one will that his Son J. shall have his Land after the Death of his Wife; here the Wife of the Devisor shall have the Land first for Term of Life. So likewise if a Man devise his Goods to his Wife, and that after the Decease of his Wife his Son and Heir shall have the House where the Goods are, there the Son shall not have the House during the Life of the Wife: For it doth appear that his Intent was, that his Wife should have the House also for her Life, notwithstanding it were not devised to her by express Words.

If a Devise be to J. N. and to the Heirs Females of his Body begotten, after the Devisee hath Issue a Son and Daughter, and dies; here the Daughter shall have the Land and not the Son, and yet he is the most worthy Person, and Heir to his Father: but because the Will of the dead is that the Daughter should have it, Law and Conscience will so also.

And herein the very Heathens were precise, as appeareth by those Verses of Octavius Augustus, which Donatus reports he made, after Virgil, at his Death, gave Commandment that his Books should be burnt because they were imperfect, and yet some perswaded, that

hey ſhould be ſaved, as indeed hey happily were; to whom he ſwered thus;

Let Faith and Law be kept;
and what laſt Will
Commandeth to be done,
we muſt fulfil.

uncote aſcuns perſuadont que ils doint eſtre ſave, come en fait ils happiment fueront; a que il reſponde iſſint;

Sed Legum ſervanda Fides;
ſupremæ voluntas
Quod mandat, fierique jubet,
parere neceſſe eſt.

Devoire.

Devoire is as much as to ſay a Duty. It is uſed in the ſtatute of 2 R. 2. cap. 3. where is provided, That all the ſtern Merchants, being of e King's Amity, ſhall pay all anner of Cuſtoms and Sub-ies, and other Devoires of lais. See the Stat. 5. ejuſd. egis cap. 2.

Devoire.

Devoire eſt tant adire come Dutie. Ceo eſt uſe en le Statute de 2 *R.* 2. *cap.* 3. ou eſt purview, Que touts Merchants del Weſt, eſteant del amitie le Roy, payera touts manners des Cuſtomes & Subſidies, & auters *Devoires de Calais.* Veies le Stat. 5. *ejuſd. Regis cap.* 2.

Devorce.

Devorce or Divorce, Divortium, dictum eſt a Diverſitate entium, quia in diverſas partes unt qui diſtrahunt Matrimoni-; or elſe from the Verb Di-o, which ſignifies to return i, becauſe after the Devorce ween the Husband and Wife, returns her again to her er, or to her Friends, or e Place from whence he had

And though Devorce was er approved of by the Di-e Law, but contrariwiſe hibited, as appears by this rpt, Let no Man ſeparate which God hath joyned to-r; yet in all Ages and -governd Common-wealths en been uſed and permit-And at this Day with us are divers Cauſes for the Husband and Wife e devorced, as firſt cauſa ontractus.

Devorce.

Devorce, Divortium, dictum eſt a Diverſitate mentium, quia in diverſas partes eunt qui diſtrahunt Matrimonium; ou auterment del verbe *Diverto*, que ſignifie de returner arere, pur ceo que puis le Devorce perenter le baron & feme, il luy returne arere a ſa pere, ou auter amies, ou al lieu de que il luy priſt.

Et coment que *Devorce* ne unques fuit approve per le Divine Ley, mes al contrarie prohibite, come appiert per ceſt mandat, *Quod Deus conjunxit homo non ſeparet*; uncore en touts ages & bien diſpoſe Common-weales il ad eſte uſe & permit: Et iſſint a ceſt jour ove nous la ſont divers cauſes pur queux baron & feme poient eſtre devorce, come primerment *cauſa Præcontractus.*

Pur

Pur ceo ſi home martie ove feme *precontract*, & ad Iſſue per luy, ceſt iſſue en Ley & en veritie port le ſurnoſme de ſon pere: mes ſi puis le Baron & Feme ſont devorce pur le Precontract, ore le iſſue ad perde ſon ſurnoſme, & eſt devenus Baſtard, & *nullius filius*. *Cok. lib. 6. fol. 66.*

Devorce poit eſtre *cauſa Frigiditatis*, & pur ceo ſi home ſoit eſpouſe a un feme & puis ils ſont devorce *cauſa Frigiditatie*, & donque le home priſt auter feme, & ad iſſue per luy; uncore ceſt iſſue eſt legitimate, pur ceo que home poit eſtre *habilis & inhabilis diverſis temporibus*, & per le Devorce *cauſa Frigiditatis* le Marriage fuit diſſolve *a vinculo Matrimonii*, & per conſequence cheſcun de eux poit marrie arere. *Co. lib. 5. fol. 98. b.*

Auxy ceo poit eſtre devorce *cauſa Impubertatis*, ou *Minoris ætatis*: & en ceo caſe ſi deux ſont eſpouſe *infra annos nubiles*, & apres le pleine age Devorce ſoit priſe inter eux; ceo diſſolve l'Eſpouſals, & le feme poit ſuer un Aſſiſe vers le baron pur Terres ou Tenements done ove luy en Frankmarriage, 19 *lib. Aſſiſe Pla.* 2. Iſſint Devorce poit eſtre *cauſa Profeſſionis*, *cauſa Conſanguinitatis*, *cauſa Fornicationis*, & pur pluſors auters meiſtres pluis tedious deſtre jammes recite.

Covient que en le ſentence de *Devorce* le Cauſe de ceo ſoit monſtre, pur ceo que aſcun *Devorce* diſſolve le Matrimonie, ceſt adire, *a vinculo Matrimonii*, baſtard le

Therefore if a Man mar with a Woman precontract and hath Iſſue by her, this I ſue in Law and in Truth bea the Surname of his Father But if after the Husband a Wife be devorced for the P contract, there the Iſſue ha loſt his Surname, and is come a Baſtard, and nullius lius. Cok. lib. 6. fol. 66.

Devorce may be cauſa Frigi tatis: and therefore if a Man married to a Woman, and a they are devorced cauſa Frigi tatis, and then the Man ta another Wife, and hath Iſſue her; yet this Iſſue is law becauſe that a Man may be bilis & inhabilis diverſis temp bus, and by the Devorce c Frigiditatis the Marriage diſſolved a vinculo Matrimo and by Conſequence either them might marry again. lib. 5. fol. 98. b.

Alſo a Man may be devo cauſa Impubertatis or Minoris tis: and in this Caſe if two married infra annos nubiles, after full Age Divorce is between them; this diſſo the Marriage, and the Wo may arraign an Aſſiſe a the Husband for the Land Tenements given with he Frank-marriage, 19 lib. Pla. 2. So Devorce ma had cauſa Profeſſionis, cauſa ſanguinitatis, cauſa Forn onis, and for many Cauſes, too long to be recited.

It is requiſite that t Sentence of Devorce the thereof be ſhewed, becauſe Devorce diſſolves the Mony, that is to ſay, a v Matrimonii, baſtards the

nd bars the Wife of Dower; nd ſome a menſa & thoro, the hich diſſolves not the Ma- rimony, nor bars the Wo- an of Dower, nor baſtards e Iſſue.

Devorce is a Judgment ſpi- itual, and therefore, if there e Cauſe, ought to be reverſed the ſpiritual Court. See Coke, lib. 7. Kenne's Caſe.

If a Woman Copyholder of rtain Land, durante viduitate , according to the Cuſtom the Manor, ſows the and, and before the Severance the Corn takes a Huſband; e Lord ſhall have the Em- lements, and not the Huſ- nd: But if a Leaſe be made the Huſband and Wife du- g the Coverture, and the ſband ſows the Land, and terward they are devorced cau- Præcontractus; the Huſband ll have the Emblements, and t the Leſſor.

Dicker.

Dicker is a Word uſed in the Statute of 1 Jacobi, c. 22. d it ſignifies the Quantity ten Hides of Leather. And erms to come from the Greek ord Decas, which ſignifies en.

Day.

ere are four ſorts of Days, 1. A Natural, as the Scri- re ſays the Evening and rning made the firſt Day. An artificial Day, from rning Light to Twilight. An aſtrological Day, from Sun's riſing to the Sun's ing. 4. A Legal Day, and is of two kinds, 1. Dies ju- cus, and ſuch are all Days Bank, Continuance, Days

iſſue, & barre le feme de Dower; & aſcun *a menſa & thoro*, le quel ne diſſolve le Matrimonie, ne barre le feme de Dower, ne baſtard le iſſue.

Devorce eſt Judgment ſpiritual, & pur ceo, ſil ſoit cauſe, covient eſtre reverſe en le Spiritual Court. Veies *Coke, lib.* 7. *Kenne's* Caſe.

Si feme Copiholder de certeine Terre *durante viduitate ſua*, ſolonque le Cuſtome del Manor, emblea le Terre, & devant le ſeverance del Emblements priſt Baron; ove le Seignior avera l'Emblements, & nemy le Baron: Mes ſi Leaſe ſoit fait al Baron & feme durant le Coverture, & le Baron emblea le Terr, & puis ils ſont devorce *cauſa Præcontractus*; le Baron avera les Emblements, & nemy le Leſſor.

Dicker.

Dicker eſt un parol uſe en le Statute 1 *Jacobi, cap.* 22. & ſignifie le quantitie des Dize Hides de Cuir. Et ſemble de vener del *Greke* parol *Decas*, que ſignifie Dize.

Dies.

ILS ſont quater ſorts de jours. 1. Natural, come le Ecriture dit le Veſpre & le Matin font le primer jour. 2. Artificial jour, a crepuſculo matutino uſque crepuſculum veſpertinum. 3. Aſtrological jour, ab ortu ſolis ad occaſum. 4. Legal jour, & ceo eſt de deux ſorts, 1 Dies juridicus, & ceux ſont touts jours en Bank, Continuance,

nuance, Jours de Eſſoin, & auters Jours done en Term a les Parties en Court. 2. Dies non juridici, come touts les Sabbats en le Term, & auxy divers particular jours, come Feſtum Aſcenſ. en Term Paſch. Feſt. Sant J. *Bapt.* en Term Trin. Feſt. Omn. Sanct. & Omn. Anim. en Term Mich. Feſt. Pur. B. *Mar.* en Term Hil. Veies *Coke* 2 *Inſt.* 264.

Diem clauſit extremum.

Diem clauſit extremum eſt un Brief que giſt lou le Tenant le Roy que tient en Chief, moruſt; donque ceſt Brief ſerra direct al Eſcheator, d'enquirer de quel Eſtate il fuit ſeiſie, que eſt prochein Heir, & de quel age, & de la certaintie & value del Terre, & de que ceo eſt tenus; & cel inquiſition ſerra returne en le Chancerie, & eſt communement appel *Le Office apres le mort tiel Perſon.*

Et eſt auter Brief de *Diem clauſit extremum* agard hors del Exchequer, apres mort del un Accomptant ou Detter al Roy, a levier le Dett de ſon Heire, Executor, Adminiſtrators, Terres ou Biens.

Dies datus.

Dies datus eſt un Reſpite done al Tenant ou Defendant devant le Court. *Brook, Tit. Continuance.*

Dieta rationabilis.

Dieta rationabilis eſt aſcun foits uſe pur le reaſonable Journey de un jour,

of Eſſoin, and other Days given in Term to the Parties in Court. 2. Dies non juridici as all Sundays in Term, and alſo other particular Days, as the Feaſt of Aſcenc. in Eaſter Term; the Feaſt of S. J. Bapt. in Trinity Term; Feaſt of All Saints in Michaelmas Term; Feaſt of Pur. B. Ma. in Hilary Term. See Coke 2 Inſt. 264.

Diem clauſit extremum.

Diem clauſit extremum is a Writ that lies where the King's Tenant that holds in Chief, dies; then this Writ ſhall be directed to the Eſcheator, to inquire of what Eſtate he was ſeiſed, who is next Heir, and his Age and of the Certainty and Value of the Land, and of whom it is holden; and the Inquiſition ſhall be returned into the Chancery which is commonly called The Office after the Death of the Perſon.

And there is another Writ of Diem clauſit extremum warded out of the Exchequer after the Death of an Accomptant or Debtor of his Majeſty, to levy the Debt of the Heir, Executor, Adminiſtrators Lands or Goods.

Dies datus.

Dies datus is a Reſpite given to the Tenant or Defendant before the Court. Brook Tit. Continuance.

Dieta rationabilis.

Dieta rationabilis is ſometimes uſed for a reaſonable Day's Journey, as By

lib. 3. part 2. cap. 16. It hath in the Civil Law other Significations, which need not be here mentioned. See Vocabul. utriusque Juris.

Dieu ſon act.

Dieu ſon act, theſe are Words oftentimes uſed in our Law, and it is a Maxim, That the Act of God ſhall prejudice no Man: And therefore if a Houſe fall down by Tempeſt, or other Act of God. the Leſſee for Life or Years ſhall not only be quit in an Action of Waſte brought againſt him, but hath by the Law a ſpecial Intereſt to take Timber to build the Houſe again, if he will, for his Habitation. Cok. lib. 4. 63. & lib. 11. 82. a.

In like Manner, when the Condition of an Obligation conſiſts of two Parts in the Diſjunctive, and both are poſſible at the Time of the Obligation made, and afterwards one of them becomes impoſſible by the Act of God; the Obligor is not bound to perform the other Part, for the Condition ſhall be taken beneficially for him. Cok. lib. 5. 22.

Dignitaries.

Dignitaries; Dignitarii, are ſuch as are promoted to any Eccleſiaſtical Dignity; as a Dean, Archdeacon, a Prebendary, &c. 3 Inſt. fol. 155.

come *Bract, lib.* 3. *part* 2. *cap.* 16. Il ad en Civile Ley auters interpretations, que ne beſoigne deſtre cy inſert. Veies *Vocabul. utriuſque Juris.*

Dieu ſon act.

Dieu ſon act, ceux ſont parols pluſors foits uſe en noſtre Ley, & la eſt un Maxime, Que le Act de Dieu ſerra prejudice a nulluy: Et pur ceo ſi Meaſon eſchuiſt per Tempeſt, ou auter Act de Dieu, le Leſſee pur vie ou pur ans non ſolement ſerra quit en Action de Waſte port vers luy, mes ad per le Ley un ſpecial intereſt a prender le meriſme pur edifier le Meaſon arere, ſil voit, pur ſon habitat'. *Cok. lib.* 4. 63. *& lib.* 11. 82. *a.*

En meſme le manner, quand le Condition dun Obligation eſtoya ſur deux parts en le disjunctive, & ambideux ſont poſſible al temps del Obligation fait, & puis lun de eux deveigne impoſſible per le Act de Dieu; le Obligor neſt tenus a performer l'auter part, car le Condition ſerra priſe beneficialment pur luy. *Cok. lib.* 5. 22.

Dignitaires.

Dignitaires, Dignitarii, ſont tiels qui ſont advance al aſcun Promotion Eccleſiaſtical; come un Dean, Archdeacon, Prebendary, *&c.* 3 *Inſt. fol* 155.

Dig-

Dignitie Ecclesiastical.

DIgnitie *Ecclesiastical* est un Phrase de Parlance use en le Statute de 26 *Hen.* 8. *cap.* 3. & per les Canonists est define destre *Administratio cum Jurisdictione & potestate aliqua conjuncta.*

Diminution.

EST quand le Plaintiff ou Defendant en un brief de Error allege al Court que part del Record remaine en le Inferiour Court nient certifie, & prie que ceo serra certifie per *Certiorari.* Co. *Ent.* 232, 242. 1 Cro. *John versus Thomas,* 3 Cro. 479, 131. *Roll. Abridg.* 765, 20.

Dioceſſe.

DIoceſſe est le Circuit del Jurisdiction de chescun Evesque: Car est Royalme ad deux sorts de Divisions, le un en Shires ou Counties, en respect del Temporal Polity; le auter en Dioceſſes, en respect del Jurisdiction Ecclesiastical.

Disabilstie.

DIsabilitie est, quand home per ascun chose ou act per luy mesme ou son ancestor fait ou commit, ou pur ou per ascun auter cause est *disable* ou fait incapable a faire, de inheriter, ou de prender benefit ou advantage de un chose, que auterment il poit aver done ou fait.

Dignity Eccleſiſtical.

DIgnity Eccleſiaſtical is Phrase of Speech used the Statute of 26 Hen. 8. c 3. and by the Canoniſts is fined to be Administration c joined with any Power and risdiction.

Diminution.

IS when the Plaintiff or fendant in a Writ of ror alledges to the Court, Part of the Record remains the Inferiour Court not c fied, and prays that it be tified by Certiorari. Co. 232. 242. 1 Cro. John ve Thomas. 2 Cro. 479. Roll's Abridg. 765. 20.

Dioceſs.

DIoceſs is the Circuit of Jurisdiction of every ſhop: For this Realm two kinds of Divisions; one in Shires or Counties respect of the Temporal ty; the other in Dioceſſes respect of the Eccleſiaſtical risdiction.

Diſability.

DIſability is, when a by any Act or Thing himself or his Anceſtor or committed, or for any other Cauſe, is di or made incapable to inherit, or take Benefi Advantage of a thing, otherwise he might have or done.

There are many Things by which a Man may be disabled; and those are ordinarily either by the Act of the Party, or his Ancestor, or by the Act of the Law, or of God.

Disability by the Act of the Ancestor; as if a Man be attainted of Treason or Felony, by this Attainder his Blood is corrupt, and thereby himself and his Children disabled to inherit.

Disability by the Act of the Party himself; as if a Man makes a Feoffment to another Man that then is sole, upon Condition, that he shall infeoff a third Man before Marriage, and before Marriage or the Feoffment made, the Feoffee takes a Wife; he hath by that disabled himself to perform the Condition accordingly to the Trust in him reposed, and therefore the Feoffor may enter and oust him, as it is in Lit. sect. 357. So if the Feoffee charges the Land, or enters into a Statute-Staple, or Statute-Merchant; by these Acts he hath disabled himself, and therefore the Feoffor may enter as in the former Case. So if I bind my self, that upon Surrender of a Lease I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards repurchase, and get the whole Reversion to me again, yet I have forfeited my Obligation, because I was once disabled to perform it. Co. lib. 5. fol. 21. And if a Man be excommunicated, he cannot during that Time sue any Action, but shall be thereby disabled; Coke, lib. 8. fol.

La sont plusors choses per queux home poit estre disable; & ceux sont communement ou per le act del Partie, ou son Ancestor, ou per le act del Ley, ou de Dieu.

Disabilitie per act del Ancestor; come si home soit attaint de Treason ou Felonie per cest Attainder son sangue est corrupt, & per ceo luy mesme & ses issues disable de inherit.

Disabilitie per le act del Partie mesme; come si un home fait Feoffment al auter home que adonque est sole, sur condition, que il enfeoffera un tierce home devant Marriage & devant Marriage ou le Feoffment fait, le Feoffee prist feme; il ad per ceo luy disable de performer le Condition accordant al trust en luy repose; & pur ceo le Feoffor poit enter, & luy ousta, come est *Lit. sect.* 357. Issint si le Feoffee charge le Terre, ou enter en Statute-Staple ou Statute-Merchant; per ceux acts il ad luy mesme disable, & le Feoffor pur ceo poit enter, come en le primer case. Issint si jeo moy oblige, que sur Surrender de un Lease jeo voile faire un novel Estate al Lessee; & puis jeo granta ouster mon Reversion; en ceo case, coment que jeo en apres ceo repurchase, & acquire tout le Reversion a moy arere, uncore jeo aye forfeit mon Obligation; pur ceo que jeo suy un foits disable de performe, *Coke lib. 5. fol.* 21. Auxi si home soit excommenge, il ne poit durant ceo temps suer ascun Action, mes ferra per

ceo disable, *Co. lib.* 8. *fol.* 69. & issint en plusors auters Cases.

Disabilitie per act del Ley est, pluis properment, quand home per le sole act del Ley, sans ascun original ou primer chose per luy fait, est disable & issint est Alien nee. Et pur ceo, si home nee hors de la liegeance de nostre Seignior le Roy voile suer ascun Action, le Tenant ou Defendaint poit dire, que il fuit nee en tiel Pays hors de la allegeance le Roy, & demand Judgment sil serra respondue; car le Ley est nostre Birthright, a que un Alien est collateral & estrange, & pur ceo disable pur prender ascun benefit per ceo.

Per le Act de Dieu; come destre *Non compos mentis* est un Disabilitie en ascun cases, & en ascun nemy; pur que semble que cest difference poit estre prise: que en touts cases un home *non compos mentis* done on passe ascun chose ou Estate hors de luy, ceo poit apres son mort estre anient & fait void; mes ou home *non sanæ memoriæ* fait un chose per que riens passe hors de luy, la il poit en ascuns especial cases estre lie: come si il soit Lessee pur ans, rendant Rent, & le Lessor granta le Reversion; ore le Lessee *non compos mentis* ne poit faire Attornement, car cestuy que est *amens*, ou sans ment, ne poit faire Attornement, que est Agreement; & uncore en tiel case si le Lessor eject luy, & fait Feoffment, & puis le Lessee *non sane memoriæ* re-enter, cest act de

69. and so in many other Cases.

Disability by Act of Law is, most properly, when a Man by the sole Act of Law, without any former Thing by him done, is disabled; and so is an Alien born. And therefore, if a Man born out of the Ligeance of our Lord the King will sue any Action, the Tenant or Defendant may say, that he was born in such a Country forth of the King's Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is collateral and a Stranger, and therefore disabled to take any Benefit thereby.

By the Act of God, as not to be of whole Memory is a Disability in some Cases, and in others not; for which it seems this Difference may be taken: That in all Cases where a Man of no whole Memory gives or passes any Thing or Estate out of him, this after his Death may be disannulled and avoided; but where a Man non sanæ memoriæ doth a Thing whereby Nothing passes out of him, there he may in some special Cases be bound: As if he be Lessee for Years, rendring Rent, and the Lessor grants the Reversion; there the Lessee non sanæ memoriæ cannot make Attornment, for he that is amens, or without Mind, cannot make Attornment, which is Agreement; and yet in such Case if the Lessor ejects him, and makes a Feoffment, and afterwards the Lessee non sanæ memoriæ re-enters, this Act of

Re-entry doth ſubject him to the Diſtreſs and Action of Waſte.

And it is a Maxim in Law, That a Man of full Age ſhall never be received to diſable his own Perſon. And this Incapacity to diſable himſelf, as to ſome Perſons is perſonal, and extends only to the Party himſelf; and as to others it is not perſonal, but ſhall bind them alſo.

There are four Manners of Privities: ſcil. Privies in Blood, as Heir; Privies in Repreſentation, as Executors or Adminiſtrators; Privies in Eſtate, as Donee in Tail, the Reverſion or Remainder in Fee, &c. and Privies in Tenure, as the Lord and Tenant: And two of theſe may diſable the Perſon of the dead, which was non ſanæ memoriæ, or, &c. and ſhall avoid his Grants or Feoffments, and two of them not. For Privies in Blood may ſhew the Diſability of the Anceſtor, and Privies in Repreſentation the Infirmity of their Teſtator or Inteſtate; but neither Privy in Eſtate, nor Privy in Tenure can ſo do. Co. lib. 4 fol. 123, 124. See Littleton Sect. 405. and Co. lib. 8. fol. 43.

Diſalt.

Diſalt ſignifies as much as to Diſable. Littleton cap. Diſcontinuance.

Re-entrie ſubject luy meſme al Diſtreſſe & Action de Waſte.

Et il eſt un Maxime en la Ley, Que home de plein age ne unques ſerra receive a diſabler ſon perſon demeſne. Et ceſt incapacitie a diſabler luy meſme, quant al aſcun perſons eſt perſonal, & extend ſolement al partie meſme; & quant al auters neſt perſonal, mes liera eux auxy.

Sont quater manners de privities: *ſcil.* Privies en Sanke, come Heir; Privies en Repreſentation, come Executors ou Adminiſtrators; Privies en Eſtate, come Donee en tail, le Reverſion ou Remainder en fee, &c. & Privies en Tenure, come Seignior & Tenant: & deux de ceux poient diſabler le perſon del mort, que ne fuit *compos mentis*, ou, &c. & avoidera ſes Grants ou Feoffments, & deux nemy. Car Privies en Sanke poient monſtre le Diſabilitie del Anceſtor, & Privies en Repreſentation le Infirmitie de lour Teſtator ou Inteſtate; mes neque Privie en Eſtate neque Privie en Tenure ceo ſerra. *Co. lib. 5. fol. 123, 124.* Veies *Lit. Sect.* 405. and *Co. lib.* 8. *fol.* 43.

Diſalt.

Diſalt ſignifie auxy mult come Diſable. *Littleton cap. Diſcontinuance.*

Diſceit.

Diſceit eſt un Brief, aſcun foits Original, & aſcun foits Judicial. Quand il eſt *Original*, giſt lou aſcun diſceit eſt fait a aſcun home per un auter per non performance de un Bargain ou Promiſe, donques celuy que eſt en tiel manner diſceive avera ceſt Brief.

Quand il eſt *Judicial*, il giſt ou *Scire facias* eſt ſue hors de aſcun Record vers un, & le Viſcount returne que il eſt garnie, ou il ne fuit garnie; ou lou un *Præcipe quod reddat*, de Plee de Terres, ou *Quare Impedit*, del Preſentment al Eſgliſe, eſt ſue vers un, & le Viſcount returne que le Defendant eſt ſummon, lou il ne fuit; per quel *Diſceit* & faux Returne le Demandant ou Plaintiffe recover: Donques le Partie greeve avera ceſt Brief vers luy que recovera, & vers les Summoners & vers le Viſcount; & le Brief ſerra direct al Coroners de meſme le Countie, ſi il continue Viſcount que fiſt le Returne.

Iſſint ſi home fait Attorney en un Action real port vers luy, & puis eſt agree per Covin perenter le Demaundant & le dit Attorney, que l' Attorney fayera Default, que iſſint fait accordant, per que le Tenant perde ſon Terre; donque meſme le Tenant que perda le Terre poit aver un *Brief de Diſceit* envers l' Attorney.

Diſceit.

Diſceit is a Writ, ſometime Original, and ſometime Judicial. When it is Original, it lies where any Diſceit is done to a Man by another, by not Performance of a Bargain or Promiſe, then he that is in ſuch Manner deceived ſhall have this Writ.

When it is Judicial, it lies where a Scire facias is ſued out of any Record againſt a Man, and the Sheriff returns that he is warned, where he was not; or a Præcipe quod reddat, of a Plea of Lands, or a Quare Impedit, of the Preſenting to a Church, is ſued againſt one, and the Sheriff returns that the Defendant is ſummoned, where he was not; by which Diſceit and falſe Return the Demandant or Plaintiff recovers: Then the Party grieved ſhall have this Writ againſt him that recovered, and againſt the Summoners, and againſt the Sheriff; and the Writ ſhall be directed to the Coroners of the ſame County, if he continue Sheriff that made the Return.

So if a Man makes an Attorney in an Action real brought againſt him, and afterwards it is agreed by Diſceit between the Demandant and the ſaid Attorney, that the ſaid Attorney ſhall make Default, who doth ſo accordingly, whereby the Tenant loſes his Land; then the ſame Tenant that loſes the Land may have a Writ of Diſceit againſt the Attorney.

Iſſint

Also if a Man brings an Action of Trespass against two others, and the Plaintiff and an Attorney by Disceit, cause two Strangers, not Parties to the Writ, to come into Court, and say that they are the same two Defendants named in the Writ, and that they appoint the same Man to be their Attorney in that Suit, whereupon the same Attorney, as Attorney to the Defendants named in the Writ, pleads to the Issue, and after suffers the Enquest to pass by his Default, by which means the Plaintiff recovers: In this Case those that are indeed Defendants may have a Writ of Disceit against the same Attorney, and shall recover their Damages. Fitzh. Nat. Brev. 96.

And as the Law punishes her Officers, as Serjeants, Pleaders, Philizers, Exigenters, Attornies, and others, so she renounces and condemns all Acts of greatest Importance, if they be intermixt with Disceit and Falshood. As if a Fine be levied by Disceit, and Five Years past; by the Statute of 4 Hen. 7. cap. 24. all Persons and their Rights shall be be barred thereby: Yet for that it was by Disceit, the Fine shall be avoided, as is adjudged in Co. lib. 3. fol. 77. In the same Manner, if one recover Land by Disceit, the Recovery for this shall be fruitrated and made void, 3 Ed. 3. 28. So if a Woman, that hath good Cause to be endowed, will by Disceit have the Tenant to be disseised, and after recovers her Do by a Writ of Dower against

Auxy si home port Action de Tresspas vers deux auters, & le Plaintiff & un Attorney per Covin causant deux Estrangers, nient Parties al Brief, a vener en le Court, & dire que ils sont mesme les deux Defendants nosme en le Brief, & que ils designe mesme le home destre lour Attorney en cel Suit, sur que mesme le Attorney, come Attorney al Defendants nosme en le Barre, pledont al Issue, & puis suffer l'Enquest a passer per son Default, per quel means le Plaintiff recover: En cest case ceux que sont voyerment Defendants poyent aver un Brief de *Disceit* envers mesme le Attorney, & recuperont lour Damage. *Fitz. Nat. Brev. 96.*

Et sicome le Ley punie son Officers, come Sergeants, Pleadors, Philisers, Exigenters, Attornies, & auters; issint il reject & dampne touts actsdel pluis grand importance, sils sont enterlayse ove Disceit & fauxitie, Come si un Fine soit levie per *Disceit*, & cique ans passe; per le Stat. de 4 *H.* 7. *c.* 24. touts persons & lour droits serront per ceo barre: uncore pur ceo que fuit per Disceit, le Fine serra avoide, come est adjudge en *Co. lib.* 3. *fol.* 77. En mesme le manner, si un recover Terre per Disceit, le Recoverie pur ceo serra anient & fait void, 3 *Ed* 3 28 Issint si feme, que ad bone cause destre endow, voile per Disceit aver le Tenant destre disseisie, & puis recover sa Dower per Brief de Dower envers le Disseisor; uncore il serra ad-

judge en poſſeſſion envers le Diſſeiſee forſque come un Diſſeiſoreſſe, en reſpect del Diſceit. *Co. lib. 5. fol. 35.*

Et eſt auter manner de Brief de *Diſceit*, ou Terre que eſt *ancient Demeſn* eſt implede per Brief del Roy al *Weſtminſter*, donque le Seignior del Manor avera ceo Brief & reverſe touts les former Proceedings & Judgment, come appiert, *Raſt. Entr* 100, & 221. 2 *R.* 3. 1. 11 *Hen.* 4. 36.

Diſcent.

Diſcent eſt en deux ſorts, ou Lineal ou Collateral. *Lineal Diſcent* eſt, quand le Diſcent eſt convey en meſme le Line de entire Sanke ; come ayel, pere, fits, fits del fits, & iſſint debaſſa.

Collateral Diſcent eſt dehors en un auter Branch dehault dentier ſangue ; come la frere del ayel, frere del pere, & iſſint debaſſa.

Nota, que ſi un devie ſeiſie en Fee ou en Taile de Terre en que auter ad droit de enter, & ceo deſcend a ſon Heire, tiel Diſcent tollera le Entrie de ceſtuy que droit avoit de enter, pur ceo que le Heire ad ceux per le Diſcent de ſon pere, & iſſint per act de Ley ; & ceſtuy que droit ad ne puit luy ouſter per entrie ſur luy, mes eſt miſe de ſuer ſon Brief, a demander le Terre ſolonque le nature de ſon Title, Veies de ceo *Litt.* 3. *c.* 6. & *Stat.* 32 *Hen.* 8. *c.* 33.

the Diſſeiſor ; yet ſhe ſhall be adjudged in Poſſeſſion againſt the Diſſeiſee but as a Diſſeiſorelle, in reſpect of the Diſceit. Co. lib. 5. fol. 35.

There is another Manner of Writ of Diſceit, where Land which is Ancient Demeſne, is impleaded by the King's Writ at Weſtminſter, then the Lord of the Manor may have this Writ, and reverſe all the former Proceedings and Judgment, as it appears, Raſt. Ent. 100, 221. 2 R. 3. 1. & 11 Hen. 4. 36.

Diſcent.

Diſcent or Deſcent is in two Sorts, either Lineal or Collateral. Lineal Diſcent is, when a Diſcent is conveyed in the ſame Line of the whole Blood ; as Grandfather, Father, Son, Son's Son, and ſo downward.

Collateral Diſcent is out in another Branch drawn from above of the whole Blood ; as Grandfather's Brother, Father's Brother, and ſo downward.

Note, That if one die ſeiſed in Fee or in Tail of Land in which another hath Right to enter, and that deſcends to his Heir, ſuch Deſcent ſhall take away the Entry of him who hath Right to enter, for that the Heir hath it by Diſcent from his Father, and ſo by Act of Law ; and he that hath Right cannot put him out by entring upon him, but is put to ſue his Writ, to demand the Land according to the Nature of his Title. See hereof in Litt. lib. 3. cap. 6. and Stat. 32 Hen. 8. cap. 33.

Diſ

Diſclaimer.

Diſclaimer is, where the Lord diſtrains his Tenant, and he ſues a Replevin, and the Lord avows the taking, by Reaſon he holds of him; if the Tenant ſay, that he diſclaims to hold of him, this is called a Diſclaimer; and if the Lord thereupon bring a Writ of Right for Diſclaimer, and it be found againſt the Tenant, he ſhall loſe his Land. Alſo if one brings a Præcipe againſt two others for the Land, and the Tenant diſclaims, and ſaith that he is not thereof Tenant, nor claims any thing therein; then the other ſhall have the whole Land: But if the Præcipe be brought againſt one alone, and he diſclaims, as aforeſaid, the Writ ſhall abate; yet the Demandant may enter in the Land, and hold it in his rightful Eſtate, though his Entry was not lawful.

And after the Tenant in an Action brought againſt him diſclaims, he ſhall not have a Writ of Error againſt his own Diſclaimer, becauſe by it he hath barred himſelf of his Right to the Land; for the Words of the Diſclaimer are, He hath nothing neither claims he to have in the Land, neither at the Day of the bringing of the Original Writ aforeſaid, &c. had or claimed, but any thing in the ſame Land to have he diſavows and diſclaims: And againſt this he ſhall not have Reſtitution by a Writ of Error. See Co. lib. 8. fol. 62.

Diſclaimer.

Diſclaimer eſt, lou le Seignior diſtreine ſon Tenant, & il ſua Replevin, & le Seignior avowa le priſel, per reaſon que il tient de luy; ſi le Tenant dit, que il *diſclaime* de tener de luy, ceſt appelle un *Diſclaimer*, & ſi le Seign' ſur ceo port Brief de Droit *ſur Diſclaimer*, & il ſoit trove encounter le Tenant, il perdra le Terre. Auxy ſi un port un *Præcipe* vers deux auters pur Terre, & le Tenant diſclaime, & dit que il neſt de ceo Tenant, ne claime rien en ceo; donques lauter avera tout le Terre. Mes ſi le *Præcipe* ſoit envers un ſole, & il diſclaime, come avant eſt dit, le Brief abatera; uncore le Demandant poit enter en le Terre, & ceo tener en ſon droitural Eſtate, comment que ſon Entrie ne fuit loyal.

Et apres que le Tenant en un Action port vers luy diſclaime, il navera Brief de Error encount' ſon Diſclaimer, pur ceo que per ſon Diſclaimer il ad barre luy meſme del droit del Terre; car les parols del Diſclaimer ſont *Nihil habet, nec habere clamat in Terra illa, nec die impetrationis Brevis Originalis pr dicti, &c. habuit ſive clamavit, ſed aliquid in Terra illa habere desavocat & diſclamat*: Et encounter ceo il navera Reſtitution per Brief de Error. Veies *Cok. lib. 8. fol. 62.*

Iſſint ſi un Seign', en caſe ou il poit, diſclaim ſon Seignïorie en Court de Record, ſon Seign' per ceo eſt extinct, & le Tenant tiendra del Seign' prochein paramount ceſtuy que iſſint diſclaim. *Lit. ſect.* 146.

Si Terres ſont done al baron & feme en taile ou en fee, & le baron moruſt, la le feme ne poit deveſt le Franktenement hors de luy per aſcun verbal Waver ou Diſclaimer en Pais: Come ſi devant aſcun Entrie fait per luy el dit, que el ouſterment waive & diſclaime le dit Eſtate, & ne unques voile prender ou accepter de ceo; uncore le Frank tenement remaine en luy, & el poit ent' quand a luy pleiſt. Iſſint un Charter de Feoffment fuit fait a quater, & Seiſin fuit deliver a trois en noſme de touts, & apres le Seiſin fuit deliver, le quater veignant view le Fait, & dit per parol que il voile aver riens del Terre, ne agrea al Fait, mes diſclaima: Et fuit adjudge, que ceſt Diſclaimer per parol en Pais ne deveſtera le Frank-tenement hors de luy. *Cok. lib.* 3. *fol.* 26.

So if a Lord, in caſe where he may, diſclaims his Seigniory in Court of Record, his Seigniory by this is extinct, and the Tenant ſhall hold of the Lord next above him that ſo diſclaimed. Lit. ſect. 146.

If Lands be given to the Husband and Wife in Tail or in Fee, and the Husband dies, the Wife cannot deveſt the Freehold out of her by any verbal Waver or Diſclaimer in the Country: As if before any Entry made by her ſhe ſaith, that ſhe altogether waves and diſclaims the ſaid Eſtate, and will never take nor accept thereof; yet the Freehold remains in her, and ſhe may enter when ſhe pleaſes. So a Charter of Feoffment was made to four, and Seiſin was delivered to three in the Name of all, and after the Seiſin was delivered, the fourth coming ſees the Deed, and ſaith by Word that he will have nothing of the Land, nor agree to the Deed, but diſclaims: And it was adjudged, that this Diſclaimer by Word in the Country ſhall not deveſt the Freehold out of him. Cok. lib. 3. fol. 26.

Diſcontinuance.

D'*ſcontinuance* eſt, quand un home alien a un auter Terres ou Tenements, & moruſt, & un auter ad droit a meſme les Terres, & ne poit enter en eux per cauſe de cel Alienation: ſi come un Abbot alien les Terres de ſon Meaſon a un auter en Fee, Fee-

Diſcontinuance.

Diſcontinuance is, when a Man aliens to another Lands or Tenements, and dies, and another hath Right to the ſame Lands, and may not enter into them becauſe of this Alienation. As if an Abbot alien the Lands of his Houſe to another in Fee, Fee-tail, or for Life

Life, or if a Man alien the Lands that he hath in Right of his Wife, or if Tenant in Tail makes, of the Lands given to him and the Heirs of his Body, any Feoffment, Gift in Tail, or Lease for Life, not warranted by the Statute of 32 Hen. 8. by Fine or Livery of Seisin; then such Alienations are called Discontinuances, for such Estates pass always by Livery and Seisin: In these Cases the Successors of the Abbot, or the Woman after the Death of her Husband, or the Issue in Tail after the Death of the Tenant in Tail, and they that have any Remainder or Reversion after the End of the Estate-tail, may not enter, but every of them is put to his Action.

And as there is Discontinuance of Possession, as is said before; so also is there Discontinuance of Process or Plea: And this is when the instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh; for to be discontinued and to be put without Day is all one, and nothing else but finally to be dismissed the Court for that Time. West. part 2. tit. Fines, sect. 115. So Crompton, in his Jurisdictions, fol. 131. uses it in these Words; If a Justice-seat be discontinued by the not coming of the Justices, the King may renew it by his Writ.

And if the Justices of any Court do not meet at the Day and Place appointed, then the Cause shall be dis-

taile, ou pur vie, ou si un home alien les Terres que il ad en droit sa feme, ou si Tenant en taile fait de les Terres done a luy & a ses Heires de son corps, ascun Feoffment, Done en taile, ou Leas pur vie, nient garrant per Statute 32 *Hen.* 8. per Fine ou Liverie de seisin; donque tiels alienations sont appel' *Discontinuance*, car tiels Estates passont touts foits per Liverie & seisin: En ceux Cases les Successors del Abbe, ne la feme apres le mort sa baron, ne le issue en le taile apres le mort le Tenant en le taile, & ceux en Remainder ou Reversion puis le fine del Estate taile, ne poient enter, mes chescun de eux est mise a son Action.

Et sicome la est *Discontinuance de Possession*, come est dit avant; issint auxy la est *Discontinuance de Processe ou Plee*; & ceo est quand le instant est perde, & ne poit estre prise arere, mes per novel Brief a commencer le Suit a novel; car destre *discontinue* & destre mis *sans jour* est tout un, & nient autrement que destre finalment dismisse le Court de cel instant. *West. part* 2. *tit. Fines, sect.* 115. Issint *Crompton*, en son *Jurisdictions*, *fol.* 131. ceo use en ceux parolx: *Si un Justice-seat soit* discontinue *per le nient venier des Justices, le Roy poit ceo renuer per son Brief.*

Auxy si les Justices de ascun Court ne viendront al jour & lieu appoint, donque le Cause serra *dis-*

con-

continue tanque al aut' jour, come eſt en *Coke lib.* 1. *fol* 38. Iſſint ſi home ad un Action en le Court del Marſhalſea, & le Roy remove hors del Verge, les Pleas ſeront *diſcontinue*. *Cok. lib.* 10. *fol.* 37.

Veies pluis de ceo en *Littleton lib.* 3. *cap.* 11. & 32 *Hen.* 8 *cap.* 28. que tolle *Diſcontinuance* per baron ſeiſie en droit ſon feme.

Diſgrading.

Diſgrading eſt, quand un home ayant priſe ſur luy un Dignity temporal ou Eccleſiaſtical, eſt en apres de ceo deprive, ſoit il Chivaler, Clerk, ou auter home. Pur que ſi un Clerk ſoit deliver a ſon Ordinarie, & ne poit acquit luy meſme de Peche de que il fuit convict per le Jurie, il ſerra pur ceo diſgraded; qne riens aut' eſt forſque le Deprivation de luy de ceux Orders que il ad ſur luy priſe, come Prieſthood, Deaconſhip, ou auterment. *Staundf. Pla. Co. fol.* 130, 138.

Et en meſme le manner la eſt *Deſgrading* un Chivaler, come eſt avantdit. Veies *Stow. Annal. pag.* 685. Et eſt digne de obſervation, que per le Canon ley la ſonts deux ſorts de *Diſgradings*; l'un ſummarie per parol ſolement, & laut' ſolemne per Deveſtant le partie diſgrade de ceux Ornaments & Rites que ſont les Enſeignes de ſon Order ou Degree. Veies 4 E. 4. 19, 20.

continued unto another Day; a in Cok. lib. 1. fol. 38. So if Man hath an Action in t Court of the Marſhalſea, a the King removes forth the Verge, the Pleas ſha be diſcontinued. Cok. lib. 1 fol. 73.

See more hereof in Littlet lib. 3. cap. 11. and 32 Hen. cap. 28. which takes aw Diſcontinuances by the Hu band ſeiſed in Right of t Wife.

Diſgrading.

Diſgrading, or Degrading, when a Man having tak upon him a Dignity tempo or ſpiritual, is afterwar thereof deprived, be he Knig Clerk or other. Wherefore i Clerk be delivered to his O dinary, and cannot clear hi ſelf of the Offence whereof is convicted by the Jury, ſhall be diſgraded for which is nothing elſe but Depriſation of him from th Orders he hath taken upon h as Prieſthood, Deaconſhip, otherwiſe. Staundf. Pl. Cor. 130, 138.

In like Manner there is D grading of a Knight, as is foreſaid. See Stow's Annal. 685. And it is worthy Obſervation, that by the C non Law there are two kin of Diſgradings; the one ſumm ry, by Word only, and other ſolemn, by deveſting Party diſgraded from thoſe O naments and Rites which the Enſigns of his Order Degree. See 4 E. 4. 19, 2

Ty

Tithe.

Tithes are the tenth Parts of any thing, but properly of those things that increase, which for the most Part belong to Ministers of the Church for their Maintenance; and they are of three sorts, to wit, Predial, Personal, and mixt. Predial Tithes are Tithes that are paid of things that come of the Ground only; as Corn, Hay, Fruits of Trees, and such like.

Personal Tithes are Tithes paid of such Profits as come by the Labour and Industry of a Man's Person; as by buying and Selling, gains of Merchandise, and of Handicrafts Men, Labourers, and such as work for Hire, as Carpenters, Masons, and such like.

Mixt Tithes are Tithes of Calves, Lambs, Pigs, and such like, that increase partly of the Ground they are fed on, and partly of the keeper's Industry and Diligence of the Owner. See the Statutes 2 W. & M. cap. 3. 7 & 8 W. 3. cap. 6. & 11 & 12 W. 3. cap. 16.

Disparagement.

Disparagement is a Shame, Disgrace, or Villany done to the Gardian in Chivalry to his Ward within Age, in Point of Marriage.

As when the Gardian marries his Ward within the Age of fourteen Years, and within such Age as he cannot consent to Marriage, to a Bond-woman; or to the Daughter of one that dwells in a Borough, which is to be understood such whose Fathers

Dismes.

Dismes sont les Disme parts de ascun chose, mes properment de ceux choses que encrease, queux pur le pluis part perteigne al Ministers de Esglise pur lour maintenance; & ils sont divides en 3 sorts, nosmement, *Predial, Personal, & mixt. Predial Dismes* sont Dismes que sont paid de choses queux vient de le Terre solement; come Blees. Fene, Fruits del arbres, & tiels semblables.

Personal Dismes sont les Dismes que sont paid de tiels profits que veigne per le Labor & industry del person de un home; come per Emption & Vendition, gain de Merchandise, & de Manual crafts homes, Laborers, & tiels que labor' pur salary, come Carpenters, Masons, & tiels semblables.

Mixt Dismes sont les Dismes de Vitels, Agnes, Porcels, & tiels semblables, que encrease partment del Terre sur que ils sont depasture, & partment del garding, industry & diligence del Owner. Veies Stat de 3 *W & M cap.* 3. 7 *& 8 W.* 3. *cap* 6. *&* 11 *&* 12 *W.* 3. *cap.* 16.

Disparagement.

Disparagement est un Honte, Disgrace, ou Villanie fait per le Gardeine en Chivalrie a son Gard deins age, per reason de son Marriage.

Come quand l'Gardeine marrie son Ward deins age d' xiv. ans, & deins tiel temps que il ne poit consent al marriage, al un Neise, ou al file de un que demurt en un Borough, que est destre entend tiels queux peres pro-

profeſſe Maincrafts, & tiels baſer Arts de emption & vendition pur gaine lour viver) ou al un que eſt decrepit, ou deforme, ou ayant horrible diſeaſe. come le Leproſie, les Pocks franks, Falling-ſickneſs, ou tiels ſemblables, ou marrie luy a un feme que eſt pas le age de Infanter, & divers tiels aut's; donques, ſur le complaint fait per les amies de tiel Heire, l' Seignior ou Gardein perdera le Gardſhip, & les profits durant le Nonage de le Heire, pur le Diſparagement fait a luy. Veies *Litt. lib.* 2. *cap.* 4.

profeſs Handicrafts, and thoſe baſer Arts of buying and ſelling to get their living) or to one that is lame or deform'd, or hath ſome horrible Diſeaſe, as the Leproſie, French-Pox, Falling-ſickneſs, or ſuch like; or marries him to a Woman that is paſt Child-bearing, and diver ſuch other; then, upon Complaint made by the Friends o ſuch Heir, the Lord or Gardia ſhall loſe the Wardſhip, and th Profits during the Nonage o the Heir, for the Diſparagemen done him. Lee Lit. lib. 2. cap.

Diſſeiſſin.

Diſſeiſſin eſt, quand un home enter en aſcun Terres ou Tenements lou ſon Entrie neſt pas congeable, & ouſta celuy que ad le Franktenement.

Diſſeiſin.

Diſſeiſin is when a Man enter into any Lands or Tenements where his Entry is n lawful, and puts him out th hath the Freehold.

Diſſeiſor & Diſſeiſee.

Diſſeiſor eſt celuy que miſt aſcun home hors de ſon Terre ſans order le Ley.

Mes le Roy ne ſerra dit deſtre un *Diſſeiſor*; & ove ceo eſt un note en 1 *E.* 5 *fol.* 8. que fuit tenus, le Roy ne poit eſtre dit un que fiſt tort, car ſi un voet diſſeiſe un aut' al oeps le Roy, lou le Roy nad droit, le Roy ne poit eſtre dit *Diſſeiſor*.

Diſſeiſee eſt celuy que eſt mis hors de ſon Terre; & ſi tiel *Diſſeiſee* levie Fine de Terre de que il eſt diſſeiſie al un eſtranger, le *Diſſeiſor* reteinera le Terre a touts jours, car le *Diſſeiſee* encont' ſon Fine demeſne ne poit claime, & le Conuſee ne poit ent', car le droit que le *Diſſeiſee* ad fuit extinct per le Fine, dont l'*Diſſeiſor* prendra advantage: & iſſint fuit le opinion, Co. *lib.* 2. *fol.* 56.

Diſſeiſor and Diſſeiſee.

Diſſeiſor is he who puts Man out of his Land wit out Order of Law.

But the King cannot be ſa to be a Diſſeiſor; and with t is a Note in 1 E. 5. f. 8. that was held, the King could not termed one that did wrong, fo one will diſſeiſe another to Uſe of the King, where the Ki hath no Right, the King can be ſaid a Diſſeiſor.

Diſſeiſee is he that is put of his Land; and if ſuch Diſſei levy a Fine of the Land whereo is diſſeiſed to a Stranger, Diſſeiſor ſhall keep the Land ever, for the Diſſeiſee againſt own Fine cannot claim, and Conuſee cannot enter, for Right which the Diſſeiſee had extinct by the Fine, whereof Diſſeiſor ſhall take Advanta and ſo was the Opinion, Co. 2. f. 56.

Diſtreſs.

Diſtreſs is a Thing taken and diſtrained upon any Land for Rent behind, or other Duty, or for Hurt done, although the Property of the Thing belongs to a Stranger: But if they are Beaſts that belong to a Stranger, it behoves that they were Levant and Couchant upon the ſame Ground, that is to ſay, that the Beaſts have been upon the Ground a certain Space, that they have themſelves well reſted there, or elſe they are not diſtrainable for Rent or Service.

If one diſtrain for Rent or other Thing without lawful Cauſe, then the Party grieved ſhall have a Replevin, and upon Surety found to purſue his Action, ſhall have the Diſtreſs redelivered. But there are divers Things that are not diſtrainable, viz. another Man's Gown in the Houſe of a Taylor, or Cloth in the Houſe of a Fuller, Sheerman, or Weaver, they being common Artificers, and the common Preſumption is, that ſuch Things belong not to the Artificers, but to other Perſons who put them there to be wrought.

Victual is not diſtrainable, as Corn in Sheaves, unleſs they are in a Cart; becauſe a Diſtreſs ought to be always of ſuch Things whereof the Sheriff may make Replevin, and deliver again in as good Caſe as they were at the taking.

A Man may diſtrain for Homage of his Tenant, for

Diſtreſſe.

Diſtreſſe eſt le choſe priſe & diſtreine ſur aſcun Terre pur Rent arere, ou pur auter dutie, ou pur tort fait, coment que le propertie de choſe perteigne al eſtranger: mes ſi ſont Avers que perteigne al eſtranger, il covient que ils ſont levant & couchant ſur meſme le Terre, ceſt adire, que les Avers avoient eſtre ſur le terre per certain ſpace, que ils ont eux bien repoſe ſur la terre, ou auterment ils ne ſont diſtreinable pur Rent ou Service.

Si un diſtreine pur Rent ou auter choſe ſans cauſe loyal, donques le partie grieve avera un *Replevin*, & ſur Suretie trove de purſuer ſon Action, avera le Diſtreſſe re-deliver. Mes ſont divers choſes que ne ſont diſtreinable, *viz.* Robe de auter home en le meaſon de un Taylour, ou Drape en le meaſon de un Fuller, Sheerman, ou Weaver, pur ceo que ils ſont common Artificers, & le common preſumption eſt, que tiels choſes ne ſont perteignont al Artificer, mes al auters perſons que eux mettont la a overer.

Viande neſt pas diſtreinable, ne Blees en ſheaves, ſinon que ils ſont en un Chariot; pur ceo que Diſtreſs covient eſtre touts foits de tiel choſe dont le Viſcount poit faire Replevin, & redeliver en auxy bone caſe que il fuit al priſel.

Home poit diſtreine pur Homage de ſon Tenant, pur

Fealtie

Fealtie & Escuage, & auters Services, & pur Fines & Amerciaments que sont assesse en un Leet, mes nemy en un Court Baron; & pur Damage-feasant, cestasçavoire, quand il trove les Beasts ou biens des auters feasant tort, ou incumbrant son Terre. Mes home ne poit distreine pur ascun Rent, ou chose due pur ascun Terre, mes sur mesme le Terre que est charge ovesque ceo. Et en case lou jeo veigne a distreiner, & lauter, veyant mon purpose, chase les beasts, ou port le chose dehors, al entent que jeo ne prendra ceo pur un Distresse sur le Terre; donques jeo poy bien pursue; & si jeo prise ceo maintenant en le Hault chimin, ou en auter soile, le prisel est loyal auxy bien la come sur la Terre charge, a quecunque la propertie des biens sont.

Auxy pur Fines & Amerciaments assesse en un Leet, un poit tours foits prender les biens celuy que est issint amerce, en quecunque soyle que ils sont deins le Jurisdiction del Court, ut dicitur.

Et quand un ad prise un Distresse, il covient luy de amesner ceo al common Pound, ou autrement il poit garder en overt lieu, issint que il done notice al partie, que il (si le Distresse soit vive avers) poit done a luy viand; & donques si le aver morust pur default de viand, celuy que suit distreine serra a le perd, & donques lauter poit distrein auter foits pur mesme le Rent

Fealty and Escuage, and oth Services and for Fines a Amerciaments which are assess in a Leet; but not in a Cou Baron; and for Damage-fe sant, that is, when he fin the Beasts or Goods of a other doing Hurt, or incumbri his Ground. But a Man m not distrain for any Rent, Thing due for any Land, b upon the same Land that charged therewith. And in c where I come to distrain, a the other seeing my Purpo chases the Beasts, or bears Thing out, to the Intent th I shall not take it for a Distr upon the Ground, then I m well pursue; and if I take presently in the Highway, or another's Ground, the taking lawful as well there as up the Land charged, to who soever the Property of the Go belongs.

Also for Fines and Am ciaments assessed in a Leet, may always take the Goods him that is so amerced, in w Ground soever they be wi the Jurisdiction of the Court is said.

Also when one hath take Distress, it behoves him bring it to the common Po or else he may keep it in an Place, so that he give notic the Party, that he (if the stress be a quick Beast) give it Food; and then i Beast die for Want of h he that was distrained be at the Loss, and the may distrain again for the Rent or Duty. But

rry the Diſtreſs to an Hold, out of the County, that the Sheriff may not make Deliverance upon the Replevin; then the Party (upon Return of the Sheriff) ſhall have a Writ of Withernam directed to the Sheriff, that he take as many Beaſts as much Goods of the other into his Keeping, till Deliverance be made of the firſt Diſtreſs. And alſo if they be in a Fortlet or Caſtle the Sheriff may take with him the Power of the County, and beat down the Caſtle, as appears by the Statute of Weſt. cap. 17. Therefore ſee the Statute. By the Stat. 2 W. & M. cap. 5. If a Man diſtrain for Rent, and the Tenant after Notice given does not replevy it within five Days, it ſhall be lawful for him who is impowered to ſell it, rendring the Overplus to the Owner. And by this Statute a Man may diſtrain Sheaves or Cocks of Corn, or Hay in a Barn, or Granary, and detain it until it be replevied within the time aforeſaid, and in Default thereof to ſell it, &c.

Diſtreſs is alſo divided into finite and infinite. Finite is that which is limited by Law, how often it ſhall be made, to bring the Party to Trial of the Action as once or twice, Old Nat. Brev. fol. 43. Diſtreſs infinite is without Limitation, until the Party comes; as againſt a Man that refuſes to appear upon a Certificate of Aſſiſe, the Proceſs is a Venire facias, Habeas corpora, and Diſtreſs infinite. Old Nat. Brev. fol. 113.

ou dutie. Mes ſil ameſna le Diſtreſſe a un Fortlet ou hors del Countie, que le Viſcount ne poit bien faire deliverance ſur Replevin; donques le partie (ſur le Return del Viſcount) avera un Brief de *Withernam*, direct al Viſcount, que il prendra tant des avers ou tant des biens lauter en ſon gard, tanque il ad fait deliverance de le prime Diſtreſſe. Auxy ſi ſont en un Fortlet ou Caſtle, le Viſcount poit prender ove luy le Power del Countie, & abate le Caſtle, come appiert per le Statute de *Weſt.* 1. *cap.* 17. *Ideo vide Statut.* Per le *Stat.* 2 *W. & M cap.* 5. Si home diſtrain pur Rent, & le Tenant puis notice done ne Replevie ceo deins cinque jours, il ſerra loyal pur ceo que fait le Diſtreſs a vender ceo, rendant le overplus al owner. Auxy per ceſt Statute home poet diſtrainer Sheaves ou Cocks des Blees ou Fein deins un Barn ou Granary & ceo detainer tanque ſoit Replevy deins le temps avandit, & pur default de ceo, a vender, &c.

Diſtreſſe eſt auxi divide en finite & infinite. *Finite* eſt ceo que eſt limit per Ley, que toſt il ſerra fait, a traher le partie al trial del Action, come un foits ou deux foits, *Veil Nat. Brev. fol.* 43. *Diſtreſſe infinite* eſt ſans limitation tanque le partie vient; come vers un Jurie que refuſe de appearer ſur le Certificate de Aſſiſe, le proces eſt un *Venire facias*, *Habeas corpora*, & Diſtreſſe infinite. *Veil Nat. Brev. fol.* 113.

Donque il eſt divide en le grand Diſtreſſe, come *Anno* 52 *H.* 3. *cap.* 7. que *Fitzherbert* appel en Latine *Magnam Diſtrictionem*, *Nat. Brev.* 126. *a.* & un ordinarie Diſtreſſe. Un *grand Diſtreſſe* eſt ceo que eſt fait de touts les Biens & Chattels que le partie al deins le Countie, *Brit. cap.* 6. *fol.* 52. Mes quære an il ne ſoit aſcun foits tout un ove un Diſtreſſe infinite, *idem fol.* 80. ove que auxy le Statute de *Marlbridge* ſemble de agreer, *Anno* 52 *H.* 3. *cap.* 7, 9, *&* 12. Veies le *Veil Nat. Brev.* 71. *b.*

Then it is divided into t grand Diſtreſs, as Anno 52 3. cap. 7. which Fitzherbert ca in Latin Magnam Diſtrictione Nat. Brev. 126. a. and an o nary Diſtreſs. A grand Diſtr is that which is made of all Goods and Chattels which Party had within the Coun Brit. cap. 6. fol. 52. But whether it be not ſometimes one with Diſtreſs infinite, ide fol. 80. with whom alſo Statute of Marlbridge ſeems agree, Anno 52 H. 3. cap. 7, & 12. See the Old Nat. Br 71. b.

Diſtrictus.

Diſtrictus eſt aſcun foits uſe pur le Circuit ou Territorie deins quel home poit eſtre compel de appeare, *Brit. cap.* 120. & iſſint auxy eſt *Diſtrictio* en le *Reg. Orig. fol.* 6. *b.*

Diſtrict.

Diſtrict is ſometimes uſed the Circuit or Territ within which a Man may compelled to appear, Brit. 120. and ſo alſo is Diſtri in the Reg. Orig. fol. 6. b.

Diſtringas.

Diſtringas eſt un Btief direct al Viſcount, ou aſcun auter Officer, luy commandant a *diſtreiner* un pur un Dett al Roy, &c. ou pur ſon appearance al un jour. Veies le grand diverſitie de ceſt Brief en le Table del *Reg. Judic. verbo Diſtringas*.

Auxy eſt un Brief ad diſtringendum Juratores ad triandum exitum en un Suit al Common Ley. Auxy eſt un auter Brief de diſtringas Villatas circumjacentes ad levandum ſepes & fenſuras noctanter per ignotos proſtrata. De quel

Diſtringas.

Diſtringas is a Writ dire to the Sheriff, or an ther Officer, commanding to diſtrain for a Debt to King, &c. or for his appea at a Day. See the great verſity of this Writ in Table of the Reg judic. v Diſtringas.

Alſo there is a Writ t diſtrain Jurors to try an in a Suit at Common And alſo another Writ t diſtrain the adjacent Will to make good Hedges Fences thrown down in Night by unknown Men. which ſee 1 Cro. Rep. fol.

& int' Reg. & inhabit' de Epworth.

Dittay.

Dittay is a Scotch Word, and has been introduced into our Statute-Law, only since the Union of the two Kingdoms. It is a Term of Art, and signifies the Manner of Proceeding against a Criminal in the Court of Justiciary. There is likewise a Brief, or Writ of Dittay, directed from the Justice to the Sheriff, the Form whereof you may see in Skene, de verbor. signific. verbo Iter, where that Author shews at large the Manner of Proceeding by Dittay.

Dividend.

Dividend is a Word used in the Statute of Rutland, Anno 10 E. 1 where it seems to signify one Part of an Indenture. See Anno 28 ejusdem, Stat. 3. cap. 2.

Divorce.

Divorce. See Devorce.

Docket.

Docket is a little Piece of Paper or Parchment, written, that contains in it the effect of a greater Writing. See the Statute 2 & 3. P. & M. cap. 6. & West, part 2. tit. Fines, sect. 106. calls it Dogget.

veies 1 *Cro. Rep. fol.* 204. & *int' Reg. & inhabit' de Epworth.*

Dittay.

Dittay est un parol *Escossois*, & ad este introduit dans nostre Estatute Ley solement depuis le Union de les deux Nations. Ceo est Vocabulum Artis, & signifie le manere de proceder contre un criminel en le Court del Justiciary. La est auxi un Brief de *Dittay* direct del Justice al Viscount, le Forme de que poiez veier en *Skene, De Verb. Signif. Verbo Iter*, ou ceest Autheur monstre a large la manere de proceder per *Dittay*.

Dividend.

Dividend est un parol use en le Statute de *Roteland, Anno* 10 *E.* 1. ou il semble signifier un part de un Indenture. Veies *Anno* 28 *ejusdem, Stat.* 3. *cap.* 2.

Divorce.

Divorce. Veies *Devorce.*

Docket.

Docket est un petit quantitie de Paper ou Parchment escrie, que contein en luy l'effect de plus grand Escript. Veies le Statute de 2 & 3 *P. & M cap.* 6. M. *West, part* 2. *tit. Fines, sect.* 106. appelle ceo *Dogget*.

Dog-draw.

DOg-*draw* eſt un manifeſt Deprehenſion de un Offender envers Veniſon en le Forreſt. La ſont quater ſorts de ceux note per *Manwood, part* 2. *cap.* 18. *num* 9. de ſes *Forreſt Leys*, ceſtaſcavoir, *Dog-draw, Stable-ſtand, Back-bear, & Bloudy-hand. Dog-draw* eſt, quand un eſt trove trahant apres un Dame per le ſent de un Brache tient en ſon maine.

Dog-draw.

DOg-draw is an apparent Deprehenſion of an Offender againſt Veniſon in the Foreſt. There are four kinds of them obſerved by Manwood, part 2. cap. 18. num. 9. of his Foreſt Laws, that is, Dog-draw, Stable-ſtand, Back-bear, and Bloody-hand. Dog-draw is, when one is found drawing after a Deer by the Scent of a Hound led in his Hand.

Dogger.

DOgger eſt un ſort de Nieſe, *Anno* 31 *E.* 3. *Stat.* 3. *cap.* 1. *Dogger fiſh, ibid. cap.* 2. ſemble deſtre Piſſons port en ceux Nieſes al *Blackney* Haven, &c. *Doggermen, Anno* 2 *H.* 8. *c* 4.

Dogger.

DOgger is a Kind of Ship, Anno 31 E 3. Stat. 3. cap. 1. Dogger-fiſh, ibid. cap. 2. ſeems to be Fiſh brought in thoſe Ships to Blackney Haven, &c. Doggermen, Anno 2 H. 8. cap. 4.

Doleſiſh.

DO'*eſiſh* ſemble deſtre ceux Piſſons que les Fiſherhomes annualment employ en le North Mere de cuſtome receivont pur lour allowance. Veies le Statute *Anno* 35 *H.* 8. *cap.* 7.

Doleſiſh.

DOleſiſh ſeems to be thoſe Fiſhes which the Fiſhermen yearly imployed in the North Seas do of cuſtom receive for their Allowance. See the Statute Anno 35 H. 8. cap. 7.

Dominus litis.

EST un advocate en le Civil Ley, que puis le mort de ſon Client proſecute un ſuit al ſentence pur le uſe del Executor.

Dominus litis.

IS the Advocate in the Civil Law, who after the Death of his Client, proſecutes a Suit to Sentence for the Executor's Uſe.

Domo reparanda.

DOmo *reparanda* eſt un Brief que giſt pur un envers ſon vicine, per le chier de quel Meaſon il ſuppoſe aſcun leid voile happer a ſon meaſon demeſne. *Reg. Orig. fol.* 123.

Domo reparanda.

DOmo reparanda is a Writ that lies for one againſt his Neighbour, by the Fall of whoſe Houſe he fears ſome Hurt will come to his own. Reg. Orig. fol. 123.

Doom

Doom.

DOom (from the Saxon Dom) ſignifies Judgment; a Word much uſed in References to Arbitrators.

Dooms-day.

DOoms-day is a Book that was written in the Time of S. Edward the Confeſſor, as the Author of Old Nat. Brev. ſaith, fol. 15. and before in the Title of Ancient demeſne, containing in it not only all the Lands through England, but alſo all the Names of thoſe in whoſe Hands they were at that Time when the Book was made. Lambard proves that this Book was made in the Time of William the Conqueror, with whom Cambden in his Britan. pag. 94. agrees, proving it out of Ingulphus that flouriſhed the ſame Time, who touching the Contents thereof hath theſe Words: It deſcribes the whole Lands; neither was there one Hide in all *England* whoſe Value and Poſſeſſor was unknown, nor any Pool or Place not deſcribed in the King's Roll, and the Rent, Profits, Poſſeſſion it ſelf, and Poſſeſſor not made known to the King, according to the Fidelity of the Taxers, who deſcribed the ſame Country wherein they were elected. That Roll is called *Rotulus Wint.* and by the *Engliſh*, for its Generality, in that it contains all the Tenements contained throughout the Land, it is ſurnamed *Dooms-day*. And this Book is ſometimes called *Liber Judicatorius*, becauſe in it is contained a diligent Deſcription of the Kingdom,

Doom.

Doom (del *Saxon Dom*) ſignifie Judgment; un parol mult uſe en References al Arbitrators.

Dooms-day.

Dooms-day eſt un Livre que fuit eſcrie en le temps de S. *Edward* le Confeſſor, come le Autheur de Veil *Nat. Brev.* dit, *fol.* 15. & devant en le title *Ancient demeſne*, conteinant en ceo non ſolement touts les Terres per *Angleterre*, mes auxy touts les noſmes de ceux en queux mains ils fueront a cel temps quand le Livre fuit fait. *Lambard* prova que ceſt Livre fuit fait en le temps de *Gulielme* le Conqueror, ove que *Cambden* en ſon *Britan. pag.* 94. agreea, ceo provant hors de *Ingulphus* que flourie meſme le temps, que touchant les Contents de ceo ad ceux parolx: *Totam Terram deſcripſit; nec erat Hida in tota* Anglia, *quin Valorem ejus & Poſſeſſorem ſcivit, nec Locus nec locus aliquis quin in Regis Rotulo extitit deſcriptus, ac ejus Redditus & Proventus, ipſa Poſſeſſio & ejus Poſſeſſor Regiæ notitiæ manifeſtatus, juxta Taxator' fidem, qui electi de qualibet Patriæ territorium proprium deſcribebant. Iſte Rotulus vocat' eſt* Rotulus Wintoniæ; & *ab* Anglis, *pro ſua generalitate, quod omnia Tenementa totius Terræ continuit*, Dooms-day *cognominatur*. Et ceſt Livre eſt aſcun foits appel *Liber Judicatorius, quia in eo Regni Deſcriptio diligens continetur, & tam de tempore Regis*

Edwardi, *quam de tempore Regis* Gulielmi, *ſub quo factus eſt, ſingulorum fundorum valentia exprimitur.*

and it expreſſes the Value of all the Ground thereof, as well in the Time of King *Edward*, as in the Time of King *William*, under whom it was compiled.

Doomſmen.

SEmble deſtre Suitors en le Court de un Mannor en Auncient Demeſne, queux ſont Judges la.

Doomſmen.

SEem to be Suitors in a Court of a Manor in Auncient Demeſne, who are Judges there.

Donative.

DOnative eſt un Beneficc merement done & collate per le Patron al un home, ſans ou Preſentation al, ou Inſtitution per le Ordinarie, ou Induction per ſon Commandment, *Fitz. Nat. Brev.* 35. *e* Veies le Statute de 8 *R.* 2 *cap.* 4. *Peter Gregory de Beneficiis, cap.* 11. *num.* 1. ad ceux parols : *Si tamen Capellæ fundatæ per Laicos non fuerint a Dioceſano approbatæ, &, ut loquuntur, ſpiritualizatæ, non cenſentur Beneficia, nec ab Epiſcopo conferri poſſunt, ſed ſunt ſub pia diſpoſitione Fundatoris.* Pur que les Founders & lour Heires poient doner tiels Chappel, ſils voilont, ſans le Eveſque.

Donative.

DOnative is a Benefice meerly given and collated by the Patron to a Man, without either Preſentation, or Inſtitution by the Ordinary, or Induction by his Commandment, Fitz. Nat. Brev. 35. e. See the Statute of 8 R. 2. cap. 4. Peter Gregory de Beneficiis, cap. 11. num. 1. hath theſe Words : But if Chapels founded by Lay-men were not approved of by the Dioceſan, and, as they term it, ſpiritualized, they are not accounted Benefices, neither can they be conferred by the Biſhop, but remain to the pious Diſpoſition of the Founders. Wherefore the Founders and their Heirs may give ſuch Chapels, if they will, without the Biſhop.

M. *Gwyn*, en le Preface a ſes Lectures, dit, Que le Roy puit de veiel temps founder un frank Chappel, & ceo exempter del Juriſdiction del Dioceſan : Iſſint auxy il puit per ſes Letters Patents doner congee a un common Perſon de founder tiel Chappel, & de ordeigner que il ſerra

Mr. Gwyn, in the Preface to his Readings, ſaith, That the King might of ancient Time found a free Chapel, and exempt it from the Juriſdiction of the Dioceſan : So alſo he may by his Letters Patents give License to a common Perſon to found ſuch a Chapel, and to ordain that it ſhall be Dona-

tive

tive, and not Presentable, and that the Chaplain shall be deprivable by the Founder or his Heirs, and not by the Bishop: And this seems to be the Original of Donatives in England. Fitzherbert saith, fol. 33. c. that there are some Chauntries which a Man may give by his Letters Patents.

And all Bishopricks were of the Foundation of the Kings of England, and therefore in the ancient Time they were Donative, and given by the Kings; yet now the Bishopricks are become, by the Grants of the Kings, eligible by their Chapter. Coke, lib. 3. fol. 76.

Donor and Donee.

DOnor is he who gives Lands or Tenements to another in Tail; and he to whom the same is given is called Donee.

Dorture.

DOrture is a common Room, Place, or Chamber, where all the Religious of one Convent slept, and lay all Night, Anno 25 H. 8. cap. 11.

Double Plea.

DOuble Plea is, where the Defendant or Tenant in any Action pleads a Plea in which two Matters are comprehended, and each one by it self is a sufficient Bar or Answer to the Action, then such Double Plea shall not be admitted for a Plea, except one depend upon another; and in such Case if he may not

Donative, & nient *Presentable*, & que le Chapleine serra deprivable per le Founder ou ses Heirs, & nemy per le Evesque: Et ceo semble destre le Original de Donatives en *Angleterre*. *Fitzherbert* dit, *fol.* 33 *c.* que la sont ascuns Chauntries que home poit doner per ses Letters Patents.

Et touts Evesqueries sueront del Foundation de Roys de *Angleterre*, & pur ceo en ancient temps ils fueront Donative, & dones per les Reys; uncore jammes l'Evesqueries sont deveigne, per les Grants del Roys, eligible per lour Chapter. *Coke, lib.* 3. *fol.* 76.

Donor & Donee.

D*Onor* est celuy que done Terres ou Tenements al auter en Taile; & celuy a que il est done est appelle *Donee*.

Dorture.

D*Orture* est un common Roome, Lieu, ou Chambre, lou touts les Religieux de un Covent dormont, & giseront tout le Nuit. *Anno* 25 *H.* 8. *cap.* 11.

Double Plee.

D*Ouble Plee* est, lou le Defendant ou Tenant en ascun Action plede un Plee en que deux matters sont comprehendus, & cheseun per luy mesme est un sufficient Barre ou Respons al Action, donques tiel *Double Plee* ne serra admit pur Plee, sinon que un depend sur l'auter; & en tiel case si, il ne

poit aver le darraine Plee ſans le primer Plee, donques tiel double Plee ſerra bien receve.

Double Quarrel, ou *Querele.*

Double Quarrel eſt un Complaint fait per aſc' Clerk ou auter al Archieveſque del Province envers aſcun inferior Ordinarie pur delaier de Juſtice en aſcun Cauſe Eccleſiaſtical, come a doner ſentence, ou de inſtitute un Clerk preſentus, ou tiels ſemblables: l'effect de que eſt, que l'Archieveſque, prendant conuſance de tiel Delay, directa ſes Letters ſouth ſon Seale authentique a tout & ſingular Clerks de ſonProvince, per ceux eux commandant & donant eux authoritie & cheſc' de eux, de admoniſher le dit Ordinarie deins neufe jours a faire le Juſtice demand, ou auterment de citer luy de appearer devant luy ou ſon Official al un jour en les dits Letters prefixe, & la de alledger le meiſtre de ſon Delay, & dernierment de intimat' al dit Ordinarie, que ſil ne performa pas le choſe enjoyne, ne apparuſt al jour aſſigne, il luy meſme ſans auter Delay procederoit de performer le Juſtice require. Et ceo ſemble deſtre terme un *Double Querele*, pur ceo que eſt pluis communement fait envers le Judge, & celuy a que petition Juſtice eſt delay.

have the laſt Plea without the firſt, then ſuch a double Plea ſhall be well received.

Double Quarrel.

Double Quarrel is a Complaint made by any Clerk or other to the Archbiſhop of the Province, againſt any inferior Ordinary, for delaying Juſtice in any Cauſe Eccleſiaſtical; as to give Sentence, or to inſtitute a Clerk preſented, or ſuch like; the Effect of whith is, That the Archbiſhop, taking Knowledge of ſuch Delay, directs his Letters under his authentical Seal to all and ſingular Clerks of his Province, thereby commanding and giving Authority to them and every of them, to admoniſh the ſaid Ordinary within nine Days to do the Juſtice required, or otherwiſe to cite him to appear before him or his Official at a Day in the ſaid Letters prefixed, and there to alledge the Cauſe of his Delay; and laſtly, to intimate to the ſaid Ordinary, that if he performs not the thing injoined, nor appears at the Day aſſigned, he himſelf without other Delay will proceed to perform the Juſtice required. And it ſeems to be called a Double Quarrel, becauſe it is moſt commonly made againſt the Judge, and him at whoſe Requeſt Juſtice is delayed.

Dower.

Dower (*Dos & Dotarium.*) Le primer proprement ſignify ceo que la feme port

Dower.

Dower (Dos & Dotarium. The firſt properly ſignifies that which the Wife brings to he

her Husband in Marriage, otherwise called Marritagium, or Marriage-Goods. The other Dotarium, or such a Portion of Lands or Tenements which she hath for her Life, if she survive him. Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31. And of this there are five sorts. 1. Dower per Communem Legem. 2. Per Consuetudinem. 3. Ex assensu Patris. 4. Ad ostium Ecclesiæ. 5. De la plus beale.

Dower, by the Law of the Realm, is a Portion which a Widow hath of the Lands of her Husband, which by the Common Law is the third Part; but by her Husband's Assignment, by his Father's Assent, at the Church-door, she may have so much of his Father's Land as is so assigned, and so of the Husband's Assignment of Part of his own Land. And Dower, by the Custom of some Places, is to have half the Husband's Land. Dower is also a Writ that lies where a Man is sole seised, during the Coverture between him and his Wife, of Lands or Tenements in Fee-simple or Fee-tail, where by Possibility the Issue between them may inherit; if such a Man die, his Wife shall recover the third Part of all the Lands whereof the Husband was sole seised any Time during the Coverture, by a Writ of Dower unde nihil habet, though he died not seised, and though he made Alienation thereof in his Life.

But if a Man, before the Statute of Uses, 27 Hen. 8. had Lands in which another Man, or other Men, were seised

a sa baron en Marriage, auterment appelle *Marritagium*, ou Marriage-biens. Le aut' *Dotarium*, ou tiel portion de Terres ou Tenements que el avoit pur term de sa vie, si el luy surviveray. *Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31.* Et de ceo ils sont cinque sorts. 1. Dower *per Communem Legem.* 2. *Per Consuetudinem.* 3. *Ex assensu Patris* 4. *Ad ostium Ecclesiæ.* 5. *De la pluis beale.*

Dower, per le Ley del Realme, est un Portion que Feme ad del Terres del baron, quel per Common Ley est le tierce part; mes per assignement del baron per assent son pere al huis del Esglise, poit aver tant del Terre son pere come est issint assigne, & issint del assignment son baron de part son Terre demesne. Et *Dower*, per Custome de ascun lieux, est de aver le moietie del Terre le baron. *Dower* est auxy un Brief que gist lou home est sole seisie, durant le Coverture perenter luy & sa feme, de Terres ou Tenements en Fee-simple ou Fee-taile, lou per possibilitie le issue enter eux poyont inheriter; si tiel home devie, sa feme recovera le tierce part de touts les Terres dont le baron fuit sole seisie ascun temps durant le Coverture, per Brief de *Dower unde nihil habet*, mesque il ne moruſt seisie, & mesque il ad fait Alienation de ceo en sa vie.

Mes si home devant le Statute de Uses, 27 *Hen.* 8. ad Terres en queux auter home ou auters homes fue

ront seisies a son oeps touts foits durant le Coverture, & cestuy a que oeps ils fueront seisies devie devant le dit Statute, sa feme ne serroit endow.

Et auxy si devant le dit Statute deux homes sont seisies de Terres al oeps de un de eux, & cestuy a que oeps, *&c.* devie devant le dit Statute, sa feme ne serra endowe. Auxy si feme port Brief de Dower, el recovera Dammages pur le profit incurrus apres le mort sa baron, sil morust de ceo seisie: mes si ascun Alienation ou Estate soit fait durant le Coverture, issint que le baron ne morust seisie; donque mesque el recovere la Terre, uncore el ne recovera Dammages.

Auxy il est un auter Brief de Dower appel *Brief de Droit de Dower*, que gist lou feme ad recover part de sa Dower en mesme le Ville, & auter part el est a recover. Mes en divers cases feme navera Dower; sicome le baron fait Treason, pur que il est attaint, donque sa feme navera Dower.

Et si el elopa de sa baron ovesque un auter home en Advourry, & si el ne soit reconcile a son baron de son bone volunt sans coercion del Esglise, el ne serra endow. Veies *Littleton, lib. 1. cap. 4.*

Et nota, que lou en le Civil Ley *Dower* est ceo que le baron eyt ove sa feme pur le Marriage, de maintener lour joyned estate; per. les

sed to his Use always during the Coverture, and he to whose Use they were seised died before the said Statute, his Wife should not be endowed.

And if before the said Statute, two Men were seised of Lands to the Use of one of them, and he to whose Use, &c. died before the said Statute, his Wife should not be endowed. Also if a Woman bring a Writ of Dower, she should recover Damages for the Profits run after the Death of her Husband, if he died seised thereof; but if any Alienation or Estate were made during the Coverture, so that the Husband died not seised; then though she should recover the Land, yet she should recover no Damages.

Also there is another Writ of Dower called a Writ of Right of Dower, which lies where a Woman hath recovered Part of her Dower in one Town, and the other Part she is to recover. But in divers Cases a Woman shall not have Dower; as, if the Husband commit Treason, for which he is attainted then his Wife shall have no Dower.

And if she elope from her Husband with another Man in Adultery, and be not reconcised to him of her own Will, without Coercion of the Church, she shall not be endowed. See Littleton, lib. 1. cap 4.

And note, where in the Civil Law Dower is that which the Husband hath with his Wife in Marriage, to maintain the married Estate;

the Laws of this Realm the Word (Dower) ſignifies ſuch Portion as the Wife after her Husband's Death ſhall have to Life on.

Dozeine.

Dozeine. See Deciners.

Drie Exchange.

Drie Exchange (Anno 3 H. 7. cap. 5.) ſeems to be a ſubtil Term invented to diſguiſe Uſury, in which ſomething is pretended to paſs on both Sides, whereas in Truth nothing paſſes on the one Side.

Drift of the Foreſt.

Drift of the Foreſt is nothing elſe but an exact View or Examination taken once, twice, or oftner in a Year, as occaſion ſhall require, what Beaſts there are in the Foreſt, to the End that the Common in the Foreſt be not over-charged, that the Beaſts of Foreigners that have no Common there be not permitted, and that Beaſts not commonable may be put out. See for this the Statute of 32 H. 8. cap. 35. and Manwood's Foreſt Laws. cap. 15.

Right.

Right is, where one hath a thing that was taken from another wrongfully, as by Diſſeiſin, Diſcontinuance, or ſuch like; the Challenge or Claim of him that ought to have it is called Right.

If a Woman releaſe all her Right to him in Reverſion, her Dower is extinct; for when the Right which is the Foun-

Leys del Realm per le parol (*Dower*) eſt intende le Portion que le feme puis le mort del baron avera pur ſa viver.

Dozeine.

Dozeine. Veies *Deciners.*

Drie Exchange.

Drie Exchange, (*Anno* 3 *H.* 7. *cap.* 5.) ſemble eſtre un ſubtile terme invente a diſguiſer Uſury, en quel quelque choſe eſt pretendu a paſſer en ambideux parties, lou en veritie rien paſſa ſur l'un partie.

Drift del Forreſt.

Drift del Forreſt neſt riens forſque un exact View & Examination priſe un foits, deux foits, ou pluis foits en un an, come occaſion require, queux Avers ſont deins le Forreſt, al intent que le Common en le Forreſt ne ſoit ſurcharge, que les Avers des Forreiners ne ſont permits de commoner la, & que Avers que ne ſont commonables poient eſtre expelle. Veies pur ceo le Statute 32 *H.* 8. *cap.* 35. & *Manwood's Forreſt Leys. cap.* 15.

Droit.

Droit eſt, lou un ad choſe que fuit tolle d'auter per tort, come per Diſſeiſin, diſcontinuance, ou tiels ſemblables; le Challenge ou Claim de luy que doit aver ceo, eſt terme *Droit.*

Si feme releaſe tout ſa *Droit* a ceſtuy en Reverſion, ſa Dower eſt extinct; car quand le *Droit*, que eſt le

foun-

foundation & le principal, eſt releaſe, per conſequence le Action, que neſt forſque le mean a recover ceo, eſt auxy releaſe. Per Releaſe de tout Title al Terre, tout ſon Droit eſt extinct. Iſſint quand home ad Title ou per Condition, ou per Alienation en Mortmaine, le Releaſe de tout ſon Droit extinctera ceſt Title. *Coke, lib.* 8. *fol.* 151, 153.

dation and Principal, is releaſed, by Conſequence the Action, which is but the Means to recover, is alſo releaſed. By Releaſe of all Title to the Land, all his Right is extinct. So when a Man hath Title, either by Condition, or by Alienation in Mortmain, the Releaſe of all his Right ſhall extinguiſh this Title. Coke, lib. 8. fol. 151, 153.

Droit de Entrie.

DRoit *de Entrie* eſt, quand un ſeiſie de Terre en fee eſt de ceo diſſeiſie; ore le Diſſeiſee ad *Droit de Entrie* en le Terre, & poit quand il voile, ou il poit aver Brief de Droit envers le Diſſeiſor.

Right of Entry.

RIght of Entry is, when one ſeiſed of Land in Fee is thereof diſſeiſed; now the Diſſeiſee hath Right to enter into the Land, and may ſo do when he will, or elſe may have a Writ of Right againſt the Diſſeiſor.

Duces tecum.

DUces *tecum* eſt un Brief hors del Chancery, commaundant home pur appeare la, & de porter ove luy aſcun piece de Evidence, ou auter choſe que le Court voiloit veir.

Duces tecum.

DUces tecum is a Writ out of the Chancery, commanding a Man to appear there, and to bring with him ſome piece of Evidence, or other thing that the Court would have a Sight of.

Dum fuit infra Ætatem.

DUM *fuit infra Ætatem* eſt un Brief que giſt lou Enfant alien ſon Terre en Fee-ſimple, ou pur terme de vie; quand il vient a ſon pleine age il avera ceſt Brief, ou il puit enter ſil voile, mes il covient que il ſoit de pleine age jour de ſon Brief purchaſe. Auxy ſi Enfant alien ſon Terre, & devie, ſon iſſue a ſon pleine age avera ceſt Brief, ou poit enter; mes le iſſue navera ceo deins ſon age.

Dum fuit infra Ætatem.

DUM fuit infra Ætatem is a Writ that lies where an Infant aliens his Land in Fee-ſimple, or for Term of Life; when he comes to his full Age he ſhall have this Writ, or he may enter if he will, but he muſt be of full Age the Day of his Writ brought. Alſo if an Infant alien his Land, and die, his Iſſue at his full Age ſhall have this Writ, or he may enter; but the Iſſue ſhall not have this Writ within his Age.

Dum

Dum non fuit compos mentis

DUM non fuit compos mentis is a Writ that lies when a Man that is out of his mit, viz. Mad or Lunatick, aliens his Land in Fee-ſimple, and dies; then his Heir after his deceaſe ſhall have this Writ; but he himſelf ſhall not have it, for that a Man ſhall not be received to diſable himſelf. Alſo this Writ may be made in the Per, Cui, and Poſt.

Duplicat.

DUplicat is a Second Letters Patents granted by the Lord Chancellor, in caſe where he hath granted the ſame before; and therefore they are held void by Crompton in his Juriſdict. of Courts, fol. 215.

Dureſſe.

DUreſſe is, where one is kept in Priſon, or reſtrained from his Liberty, contrary to the Order of Law, or threatned to be killed, maimed, or greatly beaten; and if ſuch Perſon ſo in Priſon, or in fear of ſuch Threatnings, make any Speciality or Obligation by reaſon of ſuch Imprizonment, ſuch a Deed is void in Law; and in an Action brought upon ſuch a Specialty, he may ſay, it was made by Dureſſe of Impriſonment. But if a Man be arreſted upon an Action at the Suit of another though the cauſe of Action be not good nor true, if he make an Obligation to a Stranger, being in Priſon by ſuch Arreſt, yet it ſhall not be void by Dureſſe. But if he make an Obligation to him

Dum non fuit compos mentis.

DUM *non fuit compos mentis* eſt un Brief que giſt lou home que eſt hors de ſon bone memory, ceſt adire, Inſane ou Lunatick, alien ſes Terres en Fee-ſimple, & devie; donques ſon Heire apres ſon deceaſe avera ceſt Brief, mes il meſme navera ceſt Brief, pur ceo que home ne ſerra receive a diſable luy meſme. Auxy ceſt Brief puit eſte fait en le *Per*, *Cui*, & *Poſt*.

Duplicat.

D*Uplicat* eſt un Second Letters Patents grantus per le Seignior Cahncellor, en caſe lou il ad grant le meſme devant; & pur ceo ſont tenus voyds per *Crompton* en ſon *Juriſdict. des Courts*, *fol.* 215.

Dureſſe.

D*Ureſſe* eſt, lou un home eſt garde en Priſon, ou reſtraine de ſon Libertie, contrarie al order de Ley, ou menaſſe deſtre, occide, mayheme, ou grandement batue: & ſi tiel perſon iſſint en Priſon, ou pavor pur tiel Menaſſe, fait aſcun Eſpecialty ou Obligation per reaſon del tiel Impriſonment, tiel Fait eſt voide en le Ley; & en Action port ſur tiel Eſpecialty poit dire, que il fuit fait per *Dureſſe de ſon Impriſonment*. Mes ſi home ſoit arreſt ſur aſcun Action al Suit d'un auter, meſque le cauſe del Action ne ſoit bone ne voier, ſil fait aſcun obligation al un Eſtraunge eſteant en Priſon per tiel Arreſt, uncore il ne ſerra dit per *Dureſſe*. Mes ſil fait Obligation a luy a

que

que Suit il fuit arreſt, deſtre diſcharge de tiel Impriſonment, donques il ſerra dit *Dureſſe*.

Duchy.

EST un Court en le Duchy Chamber de *Lancaſter* a *Weſtminſter*, devant le Chancellor del Duchy de Lancaſter pur matters concernant les Terres, & Franchiſes del Duchy, & leur procedure eſt per Engliſh Bill come en Chancery. *Coke 4 Inſt.* 204.

at whoſe Suit he was arreſted, to be diſcharged of ſuch Impriſonment, then it ſhall be ſaid Dureſſe.

Dutchy.

IS a Court in the Dutchy Chamber of Lancaſter at Weſtminſter, before the Chancellor of the Dutchy of Lancaſter, for matters concerning the Lands and Franchiſes of the Dutchy and their Proceedings are by Engliſh Bill as in Chancery. Coke 4 Inſt. 204.

E.

Ealderman.

EAlderman enter les *Saxons* fuiſt tant come *Count* enter les *Danes*, *Camb. Brit. pag.* 107. Et a ceſt jour nous appellomus ceux *Aldermen*, que ſont Aſſociates al prime Officer en le Common Councel del Ville, 34 *H.* 8. *cap.* 13. Et en aſcun lieus le prime Officer luy meſme eſt appel *Alderman*.

Earle.

EArle. Veies *Countee.*

Eaſement.

EAſement eſt un Immunitie que un vicine ad d'un auter, per Charter ou Preſcription, ſans profit; come un voy ou un Chanel per ſon Terre, ou tiels ſemblables. *Kitch. f.* 105.

E.

Ealderman.

EAlderman among the Saxons was as much as Earl among the Danes, Cam. Brit. pag. 107. And at this day we call them Aldermen, who are Aſſociates to the Chief Officer in the Common Council of the Town, 34 H. 8. cap. 13. And in ſome places the chief Officer himſelf is called Alderman.

Earl.

EArle. See Countee.

Eaſement.

EAſement is a Privilege that one Neighbour hath of another, by Writing or Preſcription, without profit; as a Way or Sink through his Land, or ſuch like. Kitch. f. 105.

Egypt

Egyptians.

Egyptians, commonly called Gypſies, are counterfeit Rogues, Welſh or Engliſh, that diſguiſe themſelves in Speech and Apparel, and wander up and down the Country, pretending to have ſkill in telling Fortunes, and to deceive the common people, but live chiefly by Filching and Stealing, and therefore the Statutes of 1 & 2 Mar. cap. 4. & 5 Eliz. cap. 20. were made to puniſh ſuch as Felons, if they departed not the Realm, or continued ſo a Month.

Ejectione firmæ.

Ejectione firmæ. Look for that in the Title Quare ejecit infra terminum.

Ejectment de Gard.

Ejectment de Gard. See that in the Title Garde.

Eigne.

Eigne is a French word, and ſignifies the Eldeſt or Firſtborn. See Enitia pars.

Einecia.

Einecia ſignifies Eldership, a Statute of Ireland, Anno Hen. 3. See Enitia pars.

Eire Juſtices.

Eire Juſtices, or Itinerant, as we call them, were Juſtices that uſed to ride from place to place throughout the Realm, and adminiſter Juſtice.

And theſe Juſtices had authority in ancient times to grant Land that was ſeiſed for

Egyptians.

Egyptiens, vulgarit' vocati *Gypſies*, ſont counterfeit Vagabonds, *Wallois* ou *Anglois*, que eux meſmes diſguiſe en robes & Language, & vagueront per le Pais, pretendant daver ſcience en Palmeſtry, & iſſint deceive le vulgar, mes vivont principalment per embler & embeaſiler des biens; & pur ceo le Statutes 1 & 2 *Mar. cap.* 4. & 5 *Eliz. cap.* 20. fueront faits pur le puniſhment de tiels perſons come Felons, ſils ne departont le Realme, ou iſſint continue per un moys.

Ejectione firmæ.

Jectione firmæ Vide de ceo en le Title *Quare ejecit infra Terminum.*

Ejectment de Gard.

Jectment de Gard. Veies de ceo en le Title *Garde.*

Eigne.

Igne eſt un parol *Francois* & ſignifie le Eldeſt ou Primer nee. Veies *Enitia pars.*

Einecia.

Inecia ſignifie Primogeniture ou Eldership, *Stat. de Hib. Anno* 14 *Hen.* 3. Veies *Enitia pars.*

Eire Juſtices.

Ire Juſtices, ou *Itinerant*, come nous appel' eux, fueront Juſtices que uſe de equitare de lieu al lieu per tout le Realm, pur adminiſter Jeſtice.

Et ceux Juſtices avoyent authoritie en ancient temps a granter Terre que fuit ſeiſie pur

pur le Roy pur Alienation ſans Licence; car adonques Juſtices en Eire puiſſoyent aver graunt tiel Terre en fee, rendant Rent, come Juſtices del Forreſt (que en effect, quant a ceſt purpoſe, ſont Juſtices en Eire) a ceſt jour poyent de Terres encloſe deins un Foreſt, ſans conge le Roy. *Co. lib.* 2. *fol.* 80.

Electione.

E*Lection* eſt quant home eſt laiſe a ſon Frank arbiterment demeſne, de prender ou faire un choſe ou auter, que il voile. Come ſi *A.* covenant de payer al *B.* un liver de Pepper ou Saffron devant Pentecoſt, eſt al *Election* de *A.* tout temps devant Pentecoſt, que de eux il voile payer; mes ſil ne ceo paya devant le dit Feaſt, donque enapres eſt al Election de *B.* pur aver ſon Action pur quel a luy pleiſt. *Dyer, fol.* 18. *pl.* 104.

Iſſint ſi home done a un aut' ſon Chival ou Vache, le Donee poit prender le un ou le aut' a ſon *Election:* Mes ſi ſoit que il *donera*, en le future temps, la leDonee ne poit prender le un ou l'auter, car donque le *Election* eſt en le Donor. 21 *Hen.* 7. 19.

Auxy ſi un Juſtice de Peace direct ſon Garrant a un Conſtable a demeſne le party attach devant luy ou aut' Juſtice, eſt al *Election* del Conſtable de aler a quel Juſtice que a luy pleiſt, *Cok. lib.* 5. *fol.* 59. Et en meſme le manner eſt en pluſors auters caſes.

the King for Alienation without Licence; for then Juſtices in Eire might have granted ſuch Land in Fee, rendring Rent as Juſtices of the Forreſt (which in effect, as to this purpoſe, are Juſtices in Eire) at this day may of Lands incloſed within a Forreſt, without the King's Licence, Cok. lib. 2. fol. 80.

Election.

ELection is, when a Man is left to his own Free-will to take or do one thing or another, which he pleaſes: As if A. Covenants to pay B. a pound of Pepper or Saffron before Whitſontide, it is at the Election of A. at all times before Whitſontide, which of them he will pay; but if he pays it not before the ſaid Feaſt, then afterward it is at the Election of B. to have his Action for which he pleaſes. Dyer, fol. pl. 104.

So if a Man gives to another his Horſe or Cow, the Donee may take the one or the other at his Election: But if it be that he will give, in the future tenſe, then the Donee can not take the one nor other, but then the Election is in the Donor. 21 Hen. 7. 19.

Alſo if a Juſtice of Peace direct his Warrant to a Conſtable, to bring the Party apprehended before him or another Juſtice, it is in the Election of the Conſtable to go to which Juſtice he pleaſes, Coke lib. fol. 59. And ſo in many other caſes.

El

Elegit.

TO hold by Elegit is, where a Man hath recovered Debt or Damage by a Writ against another by Confession, or in other manner, he shall have within the year against him a Writ judicial, called Elegit, to have Execution of the half of all his Lands and Chattels, (except Oxen and Beasts of the Plow) till the Debt and Damages be wholly levied and paid him; and during this Term he is Tenant by Elegit.

If he be put out within the Term, he shall have Assise of Novel Desseisin, and after a Redisseisin, if need be; and this is given by the Statute of Westm. 2. cap. 18.

And by the Equity of the said Statute, he that hath this Estate, if he be put out, shall have Assise and Redisseisin, if need be. And also if he make his Executors, and die, and his Executors enter, and after are put out, they shall have such Action as he himself. But if he be put out, and after make Executors, and die, his Executors may enter; and, if they be stopped of their Entry, they shall have a Writ of Trespass upon their Case.

If he do Waste in all the Land, or parcel, the other shall have against him immediately a Writ judicial out of the Record, called Venire facias ad computandum, by which shall be enquired if he have sold all the Money, or parcel; and if he have not levied the Money, then it shall be inquire to how much the Waste amounts; and if the

Elegit.

TEner per *Elegit* est, lou home ad recover Det ou Dammage per Brief devers un auter per confession, ou en aut' manner, il avera deins le an devers luy un Brief judicial, nosme *Elegit*, de aver Execution de moietie de touts ses Terres & Chattels, (except Boefs & Avers a la carue) tanque le Det ou Dammages soyent oustement levies ou pays a luy; & durant cest Terme il est *Tenant per Elegit*.

Sil soit ousta deins le t'me, avera Assise de *Novel Disseisin*, & apres un *Redisseisin*, si besoigne soit; & cest done per le Statute de *West. 2. cap.* 18.

Et per le equitie de mesme le Statute, celuy que ad cest Estate, sil soit ousta, avera assise & *Redisseisin*, si besoigne soit. Et auxy sil face ses Executors, & devie, & ses Executors entront, & puis soient oustes, ils averont tiel Action come luy mesme. Mes sil soit ouste, & puis fait ses Executors, & devie, ses Executors purront enter; & sils soienr estoppes de lour Entrie. ils averont un Brief de Tresspas sur lour Case.

Sil face Waste en tout le Terre, ou en parcel, l'auter avera envers luy maintenant un Brief judicial hors de le primer Recorde, appelle *Venire facias ad computandum*, per force de quel serra inquise sil ad levie touts les deniers, ou parcel; & sil nad levie les deniers, donques serra inquise a quant le Waste amount; & si le

Waste

Waſte amount ſi non a parcel, donques tant des deniers que le Waſte amounte ſerra abridge de les ſuiſdits deniers queux fueront deſtre levies. Mes ſil ad fait pluis Waſte que l'avantdit ſumme de argent que fuit eſtre levie amount, l'autre ſerra diſcharge maintenant de touts les deniers ſuiſdits, & recovera la Terre. Et pur la ſuperfluity de Waſte fait ouſter le dit ſumme, il recovera ſes dammages ſingle. Meſme le Ley eſt de les Executors, & de ceſtuy que ad ſon Eſtate.

Ou ſi le Dettor ſoit ſatiſfie per ſoder de Coals, Lead, Tyn, ou autres caſual profits.

Vide *Stat.* 32 *H.* 8. *cap.* 5. Si touts les terres extend ſont evict del Debtor per mieulx title, il poit prender novel Execution. *Co.* 4. *Rep.* 66.

Sil alien en fee, ou a terme de vie, ou en taile, tout le Terre ou parcel de le Terre que il tient per *Elegit*, ſi le Alienation ſoit fait deins le terme ou apres, ceſtuy que ad droit avera vers luy un Aſſiſe de *Novel Diſſeiſin*. Et covient que ils ſoient mis en l'Aſſiſe ambideux, auxybien l'Alienor come l'Alienee: & non abſtant que le Alienour devie maintenant, uncore ceſtuy que ad droit avera vers le Alienee ſole Aſſiſe, come ſil uſt eſte ſon ſimple Tenant. Et c'eſt per l'equitie del Stat. *Weſtm.* 2. *cap.* 25. pur ceo que il ad forſque Chattel en effect. Et meſme le Ley eſt de ſes Executors,

Waſte amount but to parcel then as much of the Mone as the Waſte amounts un ſhall be abridged of the afor ſaid Money which was to levied. But if he have do more Waſte then the aforeſa Sum of Money which was be levied amounts to, the oth ſhall be diſcharged forthwi of all the ſaid Money, a ſhall recover the Land. I for the ſuperfluity of the Waſ made above the ſaid Sum he ſhall recover his Damag ſingle. The ſame Law is his Executurs, and of h that hath his Eſtate.

Or if the Debtor be ſatisfi by digging Coals, Lead, Tin, other caſual profits,

See the Statute of 32 Hen. cap. 5. If all the Lands e tended be evicted from the Debt by a better Title, he may take new Execution. Co. 4 Rep. 66.

If he alien in fee, for Ter of Life, or in Tail, all or par of the Land which he hol by Elegit, if the Alienation made within the Term or aft he who hath right ſhall ha againſt him an Aſſiſe of N vel Diſſeiſin. And they bo muſt be put in the Aſſiſe, t Alienor and the Alienee: A though the Alienor die p ſently, yet he who hath ri ſhall have Aſſiſe againſt Alienee alone, as if the lienee had been a plain T nant for term of Years. that is by the equity of Statute of Weſtm. 2. cap. for that he hath but a Cha in effect. And the ſame L

is of his Executors, and of him who hath his Eſtate, as is aforeſaid.

In Elegit, if the Sheriff return that the Party hath Nothing the Day of the Recogniſance made, but that he purchaſed Lands after the Time, then the Plaintiff ſhall have a new Writ to have Execution thereof. The ſame Law is of a Statute-Merchant.

After a Fieri facias a Man may have the Elegit, but not contrariwiſe; for that the Elegit is of a higher Nature than the Fieri facias.

If a Man recover by a Writ of Debt, and ſue a Fieri facias, and the Sheriff return that the Defendant hath Nothing whereof he may ſatisfie the Debt to the Party; then the Plaintiff ſhall have Elegit, or Capias ſicut alias, and a Pluries. And if a Sheriff return at the Capias, Mitto vobis Corpus, and he have Nothing whereof he may make Satisfaction to the Party, he ſhall be ſent to the Priſon of the Fleet, and there abide until he have made Agreement with the Party: And if the Sheriff return Non eſt inventus, then there ſhall go forth an Exigent againſt him.

Note well, That in a Writ of Debt brought againſt a Parſon, who hath Nothing of Lay-fee, and the Sheriff returns that he may not be ſummoned; then ſhall the Plaintiff ſue a Writ to the Biſhop, to cauſe his Clerk to come, and the Biſhop ſhall make him come by Sequeſtration of the Church.

And if a Man bring a Writ of Debt, and recover, and make his Executors, and die; they

& de ceſtuy que ad ſon Eſtate, come eſt ſuiſdit.

En *Elegit*, ſi le Viſcount retorne que le partie avoit riens jour de la Recogniſance fait, mes que il purchaſe Terres puis le temps; adonques le Plaintiff avera novel Barre de aver Execution de ceo. Meſme le Ley eſt ſur un Statute-Merchant.

Apres le *Fieri facias*, un home poit aver le *Elegit*, mes non contre; entant que *Elegit* eſt de pluis hault nature que le *Fieri facias*.

Si home recover per Brief de Det & ſue un *Fieri facias*, & le Viſcount return que le Defendant nad riens dont il poit fair Gree a le partie; donques le Plaintiff avera un *Elegit*, ou un *Capias ſicut alias*, & *Pluries*. Et ſi le Viſcount returne a le *Capias*, *Mitto vobis Corpus*, & il nad riens dont il poit faire gree al partie; il ſerra maund al gaole del Fleet, & illonques demurre tanque il ad fait Gree al partie: Et ſi le Viſcount returne *Non eſt inventus*, adonques iſſera le *Exigent* envers luy.

Nota, Que en Brief de Det port devers parſon, que nad rien de Lay-fee, & le Viſcount returne que il nad riens per que il poit eſtre ſummoner; adonques le Plaintiff ſuera Brief al Eveſque, que il face vener ſon Clerk, & le Eveſque luy ſerra vener per Sequeſtration del Eſgliſe.

Et ſi home port Brief de Det, & recover, & face ſes Executors, & devie;

il naveront Execution, non obſtant que il ſoit deins le an, per un *Fieri facias*.

Eſt un auter ſort de *Elegit* ſur adjudgant de Execution envers Ter-Tenants, Quel *Elegit* recite les Terres envers queux Execution eſt adjudge & maund al Viſcount a deliver al Creditor un moyety de ceux terres & rien en ceo eſt mention des biens ou chateaux come en auters *Elegits*.

shall not have Execution, notwithſtanding it be within the Year, by a Fieri facias.

There is another ſort of Elegit upon adjudging Execution againſt Ter-tenants, which Elegit recites the Lands againſt which Execution is adjudged, and commands the Sheriff to deliver to the Creditor a Moiety of thoſe Lands, and Nothing is therein mentioned of any Goods or Chattels as in the other Elegits.

Elopement.

ELopement eſt, quand feme eſpouſe departa de ſon baron ove un Adulterer, & ove le Adulterer demurra, ſans voluntarie Reconcilement a ſa baron, per ceo el perdra ſa Dower, per le Statute de *Weſtm.* 2. *cap.* 34. Sur que ceſt veil Verſe.

Sponte virum mulier fugiens, & adultera facta,
Dote ſua careat, niſi ſponſo ſponte retracta.

Elopement.

ELopement is, when a married Woman departs from her Husband, and dwells with an Adulterer, for which, without voluntary Reconcilement to her Husband, ſhe ſhall loſe her Dower, by the Statute of Weſt. 2 cap. 34. Whereupon is this old Verſe.

(leaves,
The Woman that her Husband
And with Adult'ry is defil'd,
Her Dower ſhe ſhall want, unleſs
She firſt to him be reconcil'd.

Emblements.

EMblements ſont les Profits de Terre que ad eſtre ſemy; & en aſcun Caſes ceſtuy que ceo emblea eux avera, & en aſcuns nemy; come ſi Tenant pur vie emblea le Terre, & apres moruſt, les Executors del Tenant pur vie avera les *Emblements*; & nemy ceſtuy en Reverſion.

Mes ſi Tenant pur ans emblea le Terre, & devant que il ad ſever, ſon terme expire; ore le Leſſor ou ceſtuy en Reverſion avera les Emblements. Si un diſ-

Emblements.

EMblements are the Profits of the Land which have been ſowed; and in ſome Caſes he who ſowed them ſhall have them, and in ſome not: As if Tenant for Life ſow the Land, and afterwards die, the Executors of the Tenant for Life ſhall have the Emblements, and not he in Reverſion.

But if Tenant for Years ſow the Land, and before that he hath reaped, his Term expires; there the Leſſor or he in Reverſion ſhall have the Emblements. If one diſſeiſes

ſes me, and cuts the Emblements growing upon the Land, and afterwards I re-enter; I ſhall have an Action of Treſpaſs againſt him for the Emblements: But if my Diſſeiſor makes a Feoffment in Fee, or leaſes the Land whereof he diſſeiſed me, and the Feoffee or Leſſee takes the Emblements, and after I re-enter; I ſhall not have Treſpaſs Vi & Armis againſt them who come in by Title, but againſt my Diſſeiſor. Co. lib. 11. fol. 51.

If a Woman Copyholder, during her Widowhood, according to the Cuſtom of the Manor, ſows the Land, and before Severance of the Emblements ſhe takes a Huſband; the Lord ſhall have the Emblements. So if a Woman ſeiſed of Land during her Widowhood makes a Leaſe for Years, and the Leſſee ſows the Land, and the Woman takes a Huſband; there the Leſſee ſhall not have the Emblements, altho' his Eſtate be determined by the Act of a Stranger.

And although it is commonly held in our Books, That if a Man leaſes Lands at Will, and after the Leſſee ſows the Land, and the Will is determined, that the Leſſee ſhall have the Emblements; yet if the Leſſee himſelf determines the Will before the Severance of the Corn, he ſhall not have the Emblements. See Cok. lib. 5. fol. 116.

Embracery.

IS the Offence of an Embracer; as, to pre-inſtruct the Jury, &c. is Embracery. Noy's Rep. fol. 102.

ſeiſe moy, & ſuccide les Emblements creſſans ſur le Terre, & puis jeo re-enter; jeo avera Action de Treſpaſſe vers luy pur les Emblements: Mes ſi mon Diſſeiſor fait Feoffment en Fee. ou leſſa le Terre dont il moy diſſeiſiſt, & le Feoffee ou Leſſee priſt les Emblements, & puis jeo re-enter; jeo navera Treſpaſſe *Vi & Armis* vers eux queux veignont eins per Title, mes vers mon Diſſeiſor. *Cok. lib.* 11. *fol.* 51.

Si feme Copiholder, *durante Viduitate ſua*, ſolonque le Cuſtome del Mannor, emblea le Terre, & devant le ſeverance des Emblements el priſt baron; le Seignior avera les Emblements. Iſſint ſi feme ſeiſie de Terre *durante Viduitate* fait un Leaſe pur ans, & le Leſſee emblea le Terre, & puis la feme priſt baron; ore le Leſſee navera les Emblements, coment que ſon Eſtate eſt determine per le act dun eſtranger.

Et nient obſtant que eſt communement tenus en noſtre Livres, Que ſi home leſſa Terres a volunt, & puis le Leſſee emblea le Terre, & puis le Volunt eſt determine, que le Leſſee avera les Emblements; uncore ſi le Leſſee luy meſme determine le Volunt devant le ſeverance des Blees, il navera les Emblements. Veies *Cok. lib.* 5. *fol.* 116.

Embraſerie.

EST le Offenſe de un Embraſour; come, a pre-inſtructer le Jurie, *&c.* eſt Embraſerie. *Noy's Rep. fol.* 102.

Embraſour, ou Embraceour.

EMbraſour, ou *Embraceour*, eſt celuy que, quand un matter eſt en trial perenter partie & partie, vient al Barre ove un del parties, (ayant receive aſcun Reward pur iſſint faire) & parle en le caſe, ou priviment labor le Jurie, ou eſtoia la pur ſurveier ou ſurview eux, per ceſt meanes de mitter eux en pavor & dout del matter. Mes homes erudite en Ley poient parler en le caſe pur lour Clients.

Embraſor, or Embraceor.

EMbraſour, or Embraceor, is he that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties (having received ſome Reward ſo to do) and ſpeaks in the Caſe, or privily labours the Jury, or ſtands there to ſurvey, or overlook them, thereby to put them in Fear and Doubt of the Matter. But Perſons learned in the Law may ſpeak in the Caſe for their Clients.

Emparlance.

EMparlance eſt, quand home eſteant a reſponder al Action ou Suit, pria aſcun temps de Reſpite, de luy meſme adviſer le mieux que reſpondera: & neſt auter forſque Continuance del Cauſe al un jour ouſter.

Et coment le Plaintiff (en Banke le Roy) apres le Barre plede, ad jour de reply deux ou trois Termes apres; uncore nul mention ſerra fait en le Rolle de aſcun Emperlance ou Continuance, mes le Entry ſerra generalment, & entend de eſtre meſme le Terme. Mes autrement eſt de un *Barre*, car ceo containe le Imparlance ou Continuance, & eſt en tiel forme: *Et modo ad hunc diem, ſcilicet, diem* Veneris, &c. *iſto eodem Termino, uſque ad quem diem prædictus* A *habuit licentiam interloquendi*, &c.

Mes nul tiel Entrie eſt la fait ſur aſcun Replication ou Rejoynder. Vyies *Co lib.* 5. *fol.* 75.

Emparlance.

EMparlance is, when a Man being to anſwer to a Suit or Action, deſires ſome Time of Reſpite, to adviſe himſelf the better what he ſhall anſwer; and it is Nothing elſe but a Continuance of the Cauſe until a farther Day.

And though the Plaintiff (in the King's Bench) after the Barr pleaded, hath Time to reply two or three Terms after; yet no Mention ſhall be made in the Roll of any Emparlance or Continuance, but the Entry ſhall be general, and ſo intended to be the ſame Term. But it is otherwiſe with a Barr, for it contains the Emparlance or Continuance, and is in this Manner: And now at this Day, that is, Friday, &c. in the ſame Term, until which Day the aforeſaid A. had Licence to imparle, &c.

But there is no ſuch Entry upon any Replication or Rejoynder. See Co. lib. 5. fol. 75

Brit

Brit. cap. 53. uſes this Word for the Conference of a Jury upon the Buſineſs to them committed.

There is a ſpecial Imparlance alſo for a Defendant ſalvis ſibi omnibus & omnimodis exceptionibus ad breve & narrationem, or ad billam, which is of Uſe where the Defendant is to plead ſome Matters, which cannot be pleaded after a general Imparlance.

Encheſon.

ENcheſon is a French Word much uſed in our Law-Books, as in the Statute of 50 E. 3. cap. 3. and it ſignifies as much as the Occaſion, Cauſe, or Reaſon, for which any Thing is done. So it is uſed by Staundford, lib. 1. cap. 12. in his Deſcription of a Deodand.

Encroachment.

ENcroachment comes from the French Word Acrocher, that is, to pull or draw to: And it ſignifies an unlawful Gaining upon the Right or Poſſeſſion of another. And ſo a Rent is ſaid to be encrocched, when the Lord by Diſtreſs or otherwiſe compells the Tenant to pay more Rent than he ought, or than he owes. See Bucknal's Caſe, 9 Rep. fol. 33. So when a Man ſets his Hedge or his Wall too far into the Land or Ground of his Neighbour that lies next him, he is ſaid to incroach upon him.

Enditement, or Indictment.

INdictment comes of the French Enditer, that is, to ſet a Man out as he is. And it is a Bill or Declaration in Form of Law, exhibited by Way of Accuſation againſt one for ſome Offence either criminal or penal, and pre-

Brit. cap. 53. uſa ceſt parol pur le Conference de un Jurie ſur le Cauſe a eux commiſe.

Eſt un ſpecial Imparlance auxi pur un Defendant *ſalvis ſibi omnibus & omnimodis exceptionibus ad breve & narrationem*, ou *ad billam*, Quel eſt uſe lou le Defendant doit plede aſcun matters queux ne poient eſtre plede puis general Imparlance.

Encheſon.

E*Ncheſon* eſt un parol *Francois* mult uſe en les Livres de noſtre Ley, come en le Statute 50 *E.* 3. *cap.* 3. & ſignifie tant come Occaſion, cauſe, ou reaſon pur que aſcun choſe eſt fait. Iſſint eſt uſe per *Staundford*, *lib.* 1. *cap.* 12. en ſon deſcription de un *Deodand*.

Encrochment.

E*Ncrochment* venuſt del parol *Francois Acrocher*, id eſt, *Apprehendere*: Et ſignifie un illoyal gainer ſur le droit ou poſſeſſion de un auter. Et iſſint Rent eſt dit eſtre *encroch*, quand le Seign' per coercion del Diſtreſſe ou auterment compel le Tenant pur paier plus Rent que beſoigne, ou que doit. Veies *Bucknal's Caſe*, 9 *Rep. fol.* 33. Iſſint quand home miſt ſon Hay ou Mure en le terre ſon vicine que giſt prochein a luy, il eſt dit pur *incrocher* ſur luy.

Enditement.

E*Nditement* venuſt del *Francois Enditer*, id eſt, *Indicare*. Et eſt un Bill ou Declarrtion en forme del Ley, exhibit per voy del Accuſation vers home pur aſcun Offence ou criminal ou penal, & preferre as Jurors

& per lour Verdict trove & preſentus deſtre voyer devant un Judge ou Officer que ad poyar de punier ou certifier le Offence.

Endowment.

Endowment (*Dotatio*) ſignifie properment le Doner ou aſſurer del Dower al feme. Mes eſt aſcun foits uſe per un Metaphor pur le Mitter hors ou ſeverance de un ſufficient part ou portion al un Vicar pur ſon perpetual maintenance, quand le Benefice eſt approprie. Et iſſint eſt uſe en les Statutes 15 R. 2. *cap.* 6. & 4 H. 4. *cap.* 12.

Endowment de la pluis belle part.

Endowment de la, &c. eſt, quand un home moruſt ſeiſe de aſcun Terres tien en Chivalry & de auters en Soccage, la Vidue eſt accommode de ſon Dower en les Terres tien en Soccage, come le *pluis belle part*. Veies *Litt. lib.* 1. *cap.* 5.

Enfranchiſement.

Enfranchiſement eſt, quand home eſt encorporate en aſcun Societie ou Corps politique. Iſſint ſi Alien nee ſoit fait Deniſon de *Angleterre*, il eſt dit deſtre *enfranchiſe*; & ceſtuy que eſt fait un Citizen de *Londres*, ou auter Ville Corporate; pur ceo que il eſt fait pernour de ceux Franchiſes queux appent al Corporation en que il eſt *enfranchiſe*.

Et quand home eſt enfranchiſe en un Citie ou Borough, il ad Frank-tenement en ſon Freedom pur ſon vie, & ove auters en lour politique capacitie, ad Enheritance en les

ferred to Jurors, and by their Verdict found and preſented to be true before a Judge or Officer that hath Power to puniſh or certifie the Offence.

Endowment.

ENdowment (Dotatio) ſignifies properly the Giving or Aſſuring of Dower to a Woman. But it is ſometimes by a Metaphor uſed for the Setting out or Severing of a ſufficient Part or Portion to a Vicar for his perpetual Maintenance, when the Benefice is appropriated. And ſo it is uſed in the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 12.

Endowment de la pluis bello part.

ENdowment de la, &c. is, when a Man dies ſeiſed of ſome Lands held in Knights-Service and others in Soccage, the Widow is ſped of her Dower rather in the Soccage-Lands, as the faireſt Part. Of this ſee Litt. lib. 1. cap. 5.

Enfranchiſement.

ENfranchiſement is, when a Man is incorporated into any Society or Body politick. So if an Alien born be made Deniſon of England, he is ſaid to be enfranchiſed; and he that is made a Citizen of London, or other Town Corporate; becauſe he is made Partaker of thoſe Liberties which belong to the Corporation whereinto he is enfranchiſed.

And when a Man is enfranchiſed into a City or Borough, he hath a Free-hold in his Freedom for his Life, and with others in their politick Capacity, hath Inheritance in the Land of the

the ſaid Corporation: wherefore the thing which ſhall be the cauſe of his Diſ-infranchiſement ought to be an Act or Deed, and not only an Endeavouring or enterprizing, whereof he may repent before it be put in execution. And what ſhall be ſufficient cauſe to diſ-infranchiſe a Free-man, and what not, ſee Cok. lib. 11. in Bagg's Caſe, fol. 98.

Engleſherie.

ENgleſherie, or Englecerie, is an old word, which ſignifies the being an Engliſhman; For in ancient time, as appears by Bracton lib. 3. Tract. 2. cap. 15. fol. 134. if a man had been ſlain or murthered, he was accounted to be Francigena; which word implied every alien, until Engleſherie were proved, that is, until it was made manifeſt that he was an Engliſhman: The original whereof was this:

Kanutus, the Daniſh King, having eſtabliſhed his Eſtate here in peace, at the requeſt of our Barons, diſcharged the Land of his Armies, wherein, he repoſed his greateſt ſafety upon this condition, that the Barons would give conſent to a Law, That whoſoever ſhould kill an Alien, and was apprehended, and could not acquit himſelf, ſhould be liable to Juſtice: But if the Man-ſlayer eſcaped, the Town where the man was ſlain ſhould forfeit ſixty-ſix Marks to the King; and if the Town was not able to pay it, then the Hundred ſhould forfeit and pay this to the King's own Treaſury: And farther, that every man murthered ſhould be accounted Francigena, unleſs Engleſherie were proved; and how

Terres del dit Corporation: pur que le matter que ſerra cauſe de ſon Diſ-infranchiſement covient eſtre un Act ou fait, & nemy Conation ou enterpriſe, dont il poit repent devant l'Execution de ceo. Et que ſerra ſufficient cauſe de diſ-infranchiſer un Frank home, & que nemy, veies *Cok. lib.* 11. en *Bagg's* Caſe, *fol.* 98.

Engleſherie.

E*Ngleſherie*, ou *Engleſcerie*, eſt un veil parol, que riens ant' imply forſq; deſtre un home *Anglois*: Car en auncient temps, come appiert per *Bracton, lib.* 3. *Tract.* 2. *cap.* 15. *fol.* 134. ſi un home ad eſte tue ou murdre il fuit account deſtre *Francigena*; quel parol emplia cheſc' Alien, jeſque *Engleſherie* fuit prove, ceo eſt jeſq; il fuit fait manifeſt que il fuit un home *Anglois*: Le commencement de quel fuit tiel:

Kanutus, le Roy des *Danes*, ayant eſtablie ſon Eſtate cy en peace, al prier de noſtre Barons diſcharga le Terre de ſes Armies, en que il repoſa ſon greinder ſafetie, ſur ceſt condition, Que les Barons voilent doner conſent a un Ley, Que quecunque tuera un Alien, & fuit attache, & ne puit luy meſme accquiter, ſerroit ſubject al Juſtice: Mes ſi le Homicide eſcapa, le Ville ou le home fuit occide forfeitera 66. Merques al Roy: & ſi le Ville ne fuit able de ceo paier, donque le Hundred forfeitera & paiera ceo al Treaſure le Roy; & ouſter, Que cheſcun home murdre ſerroit account *Francigena*, ſinon que *Engleſherie* fuit prove; & coment il ſerroit prove, veies *Bracton* en meſme

le *cap. num. 7.* Aux' veies *Horn's Mirrour de Juſtices, l. 1. cap.* del *Office del Coroner*, & *Fleta, l. 1. c. 30.* Ceſt *Engleſherie*, pur les abuſes & torts que fueront enapres perceive a ſurde de ceo, fuit tout ouſterment aboliſh per Statute *Anno 14 E. 3. c. 4.* Veies *Coke, l. 7. f. 16. Calvin's* Caſe.

it ſhould be proved, ſee Bracton in the ſame cap. num. 7. Alſo ſee Horn's Mirrour of Juſtices, l. 1. cap. of the Office of Coroners, and Fleta, l. 1. c. 30. This Engleſherie, for the abuſes and grievances which were afterwards percieved to ariſe therefrom, was utterly abuliſhed by Stat. An. 14 E. 3. c. 4. See Coke, l. 7. f. 16. Calvin's Caſe.

Enheritance.

ENheritance Veies *Inheritance.*

Enheritance.

ENheritance See Inheritance.

Enitia pars.

ENitia aut Einetia pars, del francois parol *Aiſneſſe*, i. e. *dignitas primogeniti*, & eſt ceo Part que, ſur Partition enter Coparceners, eſchue al eigne Soer ou eigne Coparcener, come appiert per *Littleton, ſect.* 245. Eſt appelle *Enitia pars* del parol *Francois Eigne* ou *Aiſne*, id eſt, *Primogenitus.*

The Eldeſt part.

ENitia or Einecia pars from the French Word Aiſneſſe, i. e. dignitas primogeniti, and is that Part which, upon Partition among Coparceners, falls to the Eldeſt Sifter or ancienteſt Coparcener, as it appears by Littleton, ſect. 245. And it is called Enitia pars from the French word Eigne or Aiſne, that is, the Firſtborn.

Enqueſt.

ENqueſt eſt ceo Inquirie que eſt fait per Jurors en touts Cauſes civil ou criminal touchant le matter en Fait. Et tiel Enqueſt eſt aſcun foits *ex officio*, queux ſont appells Enqueſts de Office, & ſont traverſable, & aſcun foits *ex prece partium.* Ceſt parol eſt uſe en les Statutes de 25 *E. 3. c. 3.* 28 *E. 3. c. 13.* & fere in touts Statutes queux parlont des Trials per Jurors.

Enqueſt.

ENqueſt is that inquiry which is made by Jurors in all Cauſes civil or criminal touching the matter in Fact. And ſuch Inquiry is either ex officio, which are called Inqueſts of Office, and are traverſable, or at the miſe of the parties. This word is uſed in the Statutes of 25 E. 3, c. 3. 28 E. 3. c. 13. and almoſt in all Statutes that ſpeak of Trials by Jurors.

Entendment.

ENtendment eſt un common parol en notre Ley, quant aſcun choſe eſt en auruſt, donque per *Entendment* il ſerra aſcun foits fait bone. Come ſi In-

Entendment

ENtendment is an uſual word in our Law, when a thing is in doubt, then by Entendment it ſhall ſometimes be made good. As if an Inquiſition be found be-

for

ſore a Coroner, that a Man was murthered at A which is a Liberty, and is not ſaid in the Inquiſition at A. within the Liberty of A. yet it ſhall be good by Entendment; for peradventure the Liberty may extend beyond the Town, but that the Town it ſelf ſhall be preſumed to be out of the Liberty of the Town, is a captious conſtruction; wherefore the Inquiſition ſhall be good by Entendment. Coke, l. 5. f. 121. See Kitch. f. 224.

Enterpleader.

ENterpleader is, when in any Cauſe a matter happens which of neceſſity ought to be diſcuſſed before the principal Cauſe can be determined: For example, Two perſons be found Heir to Land by two ſeveral Offices in one County, by this the King is in doubt to whom he ſhall make Livery, for which cauſe, before Livery made, he will have them interplead, and thereby determine who is the right Heir, See Coke, l. 7. f. 45. Staundf. Prer. c. 19. Brooke, tit. Enterpleader.

Alſo there is another ſort of Enterpleader in Detinue in diverſe caſes, which ſee Raſt. Entries, 213.

Entierty.

ENtierty, or Intierty, is a French Word ſignifying Intireneſs: It is contra-diſtinguiſhed in our Books from Moyety, and denotes the Whole.

quiſition ſoit trove devant le Coroner que un home fuit murdre al *A.* que eſt un Franchiſe, & neſt dit en le Inquiſition al *A.* deins le Franchiſe de *A* uncore ceo ſerra bone per *Entendment*; car peradventure le Franchiſe poit extend ouſter le Ville, mes que le Ville meſme ſerra preſume deſtre hors del Franchiſe del Ville, eſt un captious conſtruction: pur que l'Inquiſition ſerra bone per Entendment. *Coke l. 5. f. 121.* Veies *Kitch. f.* 224.

Enterpleader.

E*Nterpleader* eſt, quant en aſcun Cauſe un choſe eſchia que de neceſſitie doit eſtre diſcuſſe devant le principal Cauſe poit eſtre determine: Pur example, Deux perſons ſont trove Heire al Terre per deux ſeveral Offices en un Countie, per ceo le Roy eſt en anuſt a que il ferra Liverie, pur quel cauſe, devant que Liverie ſoit fait, il voile eux aver *enterpleader*, & per ceo determine que eſt le droit Heir. Veies *Coke l. 7. f 45. Staundf Prer. c. 19. Brooke, tit. Enterpleader.*

Auxi eſt un auter ſort de Enterpleader en detinue en diverſe caſes, queux veies en *Raſt. Entr.* 213.

Entiertie.

E*Ntiertie*, ou Intiertie, eſt un parol François, ſignifyant Intireneſs: Il eſt contre-diſtingue en noſtre Livres dun Moyetie, & denote le tout.

Entire

Entire Tenancie.

ENtire *Tenancie* eſt ceo que eſt contrarie al Several Tenancie, & implie un Sole poſſeſſion en un home, ou laut' implia Joynt ou common en pluſors. Veies *Brooke*, *Several Tenancy*, & le Veil Livre de *Entries* ſouth ceſt Title.

Entre

ENtre eſt, lou un home enter en aſcun Terres ou Tenements, ou priſt poſſeſſion de ceux.

Auxy ſont divers Briefs de *Entre* queux ſont en divers manners. Un eſt Brief d' *Entre ſur Diſſeiſin*, que giſt lou home eſt diſſeiſe, il ou ſon Heir l'avantdit Brief avera vers meſme le Diſſeiſor, ou aſc' auter apres Tenant del Terre. Et ſi le Diſſeiſor alien, ou devie ſeiſie donques le Brief d' *Entre* ſerra vers l'Heir oveſque l'Alienee en le *Per*; ceſt adire, en que le Tenant non habet Ingreſſum niſi *per* tiel, noſmant le Diſſeiſor, que luy avoit diſſeiſie, *&c.*

Si l'Heire ou Alienee devie ſeiſie, ou aliena al auter, donques le Brief ſerra en le *Per* & *Cui*; ceſt adire, en que le Tenant non habet Ingreſſum niſi *per* tiel (noſmant l'Heire ou l'Alienee del Diſſeiſor) *cui* un tiel (noſmant le diſſeior) il dimiſit, que luy per tort diſſeiſe, *&c.*

Et ſi Terre ſoit convey ouſter al pluſors, ou ſi le primer Diſſeiſor ſoit diſſeiſe, donques le Brief d'*Entre* ſerra en le *poſt*; ceſt adire, que le Tenant non habet Ingreſſum niſi *poſt* Diſſeiſinam, quel le primer Diſſei-

Entire Tenancy.

ENtire Tenancy is that whi is contrary to ſeveral Tena cy, and ſignifies a ſole poſſeſſi in one man, where the other ſi nifies Joynt or common in mo See Brooke, Several Tenanci and the Old Book of Entri under this Title.

Entrie.

ENtry is, where a man ente into any Lands or Tenement or takes poſſeſſion of them.

Alſo there are divers Wri of Entry which are in divers ma ners. One is a Writ of En ſur Diſſeiſin, which lies wher man is diſſeiſed, he or his H ſhall have this Writ againſt t Diſſeiſor, or any other after T nant of the Land. And if t Diſſeiſor alien, and die ſeiſ then the Writ of Entry ſhall againſt the Heir and the Alie in the Per; viz. in which Tenant hath no Entry but ſuch a one, naming the Deſſei who him hath diſſeſed, &c.

If the Heir or Alienee die ſeſed, or alien to another, then Writ ſhall be in the Per Cui; viz. to which the Ten hath no Entry but by ſuch one, naming the Heir or Alie of the Diſſeiſor, to whom ſ a one (naming the Diſſeiſor) let it, who by force diſſeiſed h &c.

And if Land be conveyed o to many, or if the firſt Diſſei be diſſeiſed, then the Writ of try ſhall be in the Poſt; viz. the Tenant hath no Entry after the Diſſeiſin, which the Diſſeiſor made to the Demand

his Anceſtor. See Entre en le er.

Entrie in the *Per*, *Cui*, and *Poſt*.

A Writ of Entry in the Per lies where a man is diſſeiſed of his Free-hold, and the Diſſeiſor aliens, or dies ſeiſed, and his Heir enters, then the Diſſeiſee or his Heir ſhall have the ſaid Writ againſt the Heir of the Diſſeiſor, or againſt the Alienee of the Diſſeiſor; but living the Diſſeiſor, he may have an Aſſiſe, if he will, and the Writ of Entry ſhall ſay, In quod *A.* non habet Ingreſſum niſi *per B.* qui illud ei dimiſit, qui inde eum injuſte diſſeiſivit, &c. But if the Diſſeiſee alien, and the Alienee dies ſeiſed, or aliens over to another, or if the Diſſeiſor dies, and his Heir enters, and that Heir aliens or dies, and his Heir enters; then the Diſſeiſee or his Heir ſhall have a Writ of Entre ſur Diſſeiſin in the Per and Cui, and the Writ ſhall ſay, In quod idem *A.* non habet Ingreſſum niſi *per B. cui C.* illud ei dimiſit, qui inde injuſte, &c.

A Writ of Entry in the Per and Cui, ſhall be maintainable againſt one, but where the Tenant is by Purchaſe or Diſcent: For the Alienation or Diſcent be without the Degrees, upon which no Writ may be made in the Per, or in the Per and Cui, but it ſhall be made in the Poſt, and the Writ ſhall ſay, In quod *A.* non habet Ingreſſum niſi *poſt* Diſſeiſinam quam *B.* inde injuſte & ſine judicio fecit præfat. *N.* vel *M.* avo *N.* cujus hæres ipſe eſt.

Alſo there are five things which take the Writ of Entry out of the Degrees, viz. Intruſion, Suc-

ſor fait al Demandant ou ſon Anceſtor. Veies *Entre en le per.*

Entre en le Per, Cui, & Poſt.

BRief d'*Entre en le Per* gift lou home eſt diſſeiſe de ſon Frank-tenement, & le Diſſeiſor alien, ou devie ſeiſie, & ſon Heire entra, donques le Diſſeiſee ou ſon Heir avera le dit Brief vers l'Heire le Diſſeiſor, ou vers l'Alienee le Diſſeiſor; mes vivant le Diſſeiſor, il poit aver Aſſiſe, ſi il voile, & le Brief d'entre dirra, *In quod* A. *non habet Ingreſſum niſi* per B. *qui illud ei dimiſit, qui inde eum injuſte diſſeiſivit, &c.* Mes ſi le Diſſeiſor alien, & l'Alienee devie ſeiſie, ou alien ouſter a un aut', ou ſi le Diſſeiſor devie & ſon Heire entra, & celuy Heire aliena ou devie, & ſon Heire entra; Donques le Diſſeiſee ou ſon Heire avera Brief d'*Entre ſur Diſſeiſin* en le *Per* & *Cui*, & le Brief dirra, *In quod idem* A. *non habet Ingreſſum niſi* per B. cui C. *illud ei dimiſit, qui inde injuſte, &c.*

Brief d'Entre en le Per & Cui ſerra maintainable vers nulluy, mes lou le Tenant ſoit eins per Purchaſe ou per Diſcent: Car ſi l'Alienation ou Diſcent ſoit devenus hors des Degrees, ſur quel nul Brief poit eſtre fait en le *Per*, ne en le *Per* & *Cui*, donques ſerra fait en le *Poſt*, & le Brief dirra, *In quod* A. *non habet Ingreſſum niſi* poſt *Diſſeiſinam quam* B. *inde injuſte & ſine judicio fecit præf* N. *vel* M. *proavo* N. *cujus hæres ipſe eſt.*

Auxy ſont cinque choſes que mittont le Brief d'*Entre* hors des Degrees; ceſt adire, Intruſion,

ſion, Succeſſion, Diſſeiſin ſur Diſſeiſin, Judgment, ou Eſcheat.

1. *Intruſion* eſt, quant le Diſſeiſor devie ſeiſie, & un eſtranger abata.

2. *Diſſeiſin ſur Diſſeiſin* eſt, quant le Diſſeiſor eſt Diſſeiſe, per un aut'.

3. *Succeſſion* eſt, lou le Diſſeiſor eſt un home de Religion, & devie, ou eſt depoſe, & ſon Succeſſor entra.

4. *Judgment* eſt, quant un recover vers le Diſſeiſor.

5. *Eſcheat* eſt, quant le Diſſeiſor devie ſans Heire, ou fait Felonie, per que il eſt attaint, per que le Seignior entra come en ſon Eſcheat.

En touts ceux caſes le Diſſeiſee ou ſon Heire navera Brief d'*Entrie* deins les degrees en le *Per*, mes en le *Poſt*, pur ceo que en ceux caſes ils ne ſont eins per Diſcent, ne per Purchaſe.

Entre ad Communem Legem.

AUxy il y ad un Brief del *Entre ad Communem Legem*, & giſt lou Tenant a terme de vie, Tenant per le curteſie, ou Tenant en Dower, alien & devie; celuy en le Reverſion avera ceſt Brief devers quecunque que ſoit eins apres en le Tenement.

Entre en Caſu proviſo.

BRief d'*Entre en caſu proviſo* giſt, ſi Tenant en Dower alien en Fee, ou pur terme de vie, ou pur aut' vie, vivant le Tenant en Dower; celuy en le Reverſion avera ceſt Brief, que eſt purview per le Statute de *Gloc. c.* 7.

ceſſion, Diſſeiſin upon Diſſeiſ
Judgment and Eſcheat.

1. Intruſion is, when t
Diſſeiſor dies ſeiſed, and
ſtranger abates.

2. Diſſeiſin upon Diſſeiſin i
when the Diſſeiſor is diſſeiſed
another.

3. Succeſſion is, when t
Diſſeiſor is a man of Religio
and dies, or is depoſed, and h
Succeſſor enters.

4. Judgment is when one r
covers againſt the Diſſeiſor.

5. Eſcheat is, when the D
ſeiſor dies without Heir, or do
Felony, whereby he is attai
by which the Lord enters as
his Eſcheat.

In all theſe caſes the Diſſeiſ
or his Heir ſhall not have a W
of Entry within the degrees
the Per, but in the Poſt, becauſe
thoſe caſes they are not in
Diſcent, nor by Purchaſe.

Entry ad Communem Legem.

ALſo there is a Writ of Ent
ad Communem Legem, whi
lies where Tenant for term
Life, Tenant for term of anothe
Life, Tenant by the Courteſie,
Tenant in Dower, aliens a
dies, he in the Reverſion ſha
have this Writ againſt whomſo
ver is in after in the Tenemen

Entry in the Caſe provide

AWrit of Entry in Caſu provi
lies, if Tenant in Dower
lien in fee, or for term of Life,
for another's Life, living the T
nant in Dower; he in the Reve
ſion ſhall have this Writ, which
provided by the Stat. of Gloc. c.

Entry in Caſu conſimili.

A Writ of Entry in Caſu conſimili, lies where Tenant for life or Tenant by the Courteſie, aliens in Fee; he in Reverſion ſhall have this Writ, by the Statute of Weſtmin. 2. cap. 24.

Entry ad Terminum qui præteriit.

The Writ of Entry ad terminum qui præteriit, lies where a Man leaſes Land to another for term of years, and the Tenant holds over his term; the Leſſor ſhall have this Writ.

And if Lands be leaſed to a Man for term of another's life, and he for whoſe life the Lands are leaſed dies, and the Leſſee holds over; then the Leſſor ſhall have this Writ.

Entry without Aſſent of the Chapter.

A Writ of Entry ſine Aſſenſu Capituli lies where an Abbot, Prior, or ſuch as hath Covent or common Seal, aliens Lands or Tenements of the Right of his Church, without the Aſſent of the Covent or Chapter, and dies; then the Succeſſor ſhall have this Writ.

Entry for Marriage in Speech.

A Writ of Entry cauſa Matrimonii præloquuti lies where Lands or Tenements are given to a Man upon Condition, that he ſhall take the Donor to his Wife within a certain time, and he does not eſpouſe her within the ſaid term, or eſpouſes another Woman, or makes himſelf Prieſt,

Entre in Caſu conſimili.

BRief d'*Entre in Caſu conſimili* giſt, ſi Tenant pur vie ou Tenant pur le curteſie alien en Fee; celuy en le Reverſion avera ceſt Brief per l' Stat. de *Weſt.* 2. *cap.* 24.

Entre ad terminum qui præteriit.

BRief de *Entre ad terminum qui præteriit* giſt ſi un home leſſa Terres a un auter pur terme de ans, & le Tenant tient ouſter ſon terme, le Leſſor avera ceſt Brief.

Et ſi Terres ſont leſſes a un home pur terme d'aut' vie, & ceſtuy pur que vie les Terres ſont leſſes devie, & le Leſſee tient ouſter; donques le Leſſor avera ceſt Brief.

Entre ſine Aſſenſu Capituli.

BRief de *Entre ſine Aſſenſu Capituli* giſt lou un Abbe, Prior, ou tiel que ad Covent ou common Seal, aliena Terres ou Tenements del droit de ſon Eſgliſe, ſans le Aſſent del Covent ou Chapter, & devie; donques ſon Succeſſor avera ceſt Brief.

Entre cauſa Matrimonii præloquuti.

BRief de *Entre cauſa Matrimonii præloquuti* giſt ou Terres ou Tenements ſont done a un home ſur condition, que il prendra la Donour a ſa feme deins certein temps, & il ne luy eſpouſa deins la dit temps, ou eſpouſe aut' feme, ou luy fait Prieſtre, ou enter en Religion,

gion, ou luy disable issint que il ne puit luy prender, accordant a le dit Condition; donques la feme Donour & ses Heirs avera le dit Brief vers lui, ou vers quecunque est eins en le dit Terre. Mes cest Condition doit estre fait per Endenture, autrement cest Brief ne gist. Et touts ceux & autres Briefs de *Entre* poient estre fait en le *Per, Cui, & Post.*

Entrusion.

ENtrusion est un Brief que gist lou Tenant pur vie devie seisie de certain Terres ou Tenements, & un Estrange entra; celuy en la Reversion avera cest Brief vers l'Abator, ou quecunque que soit eins apres lour Entrusion.

Auxy un Brief de *Entrusion* serra maintainable pur le Successor de un Abbe vers l'Abator, que enter en ascun Terres ou Tenements *Tempore vacationis* que appent a la Esglise, per le Statute de *Marlebridge, cap. ultimo.*

Et il semble que le difference perentet un *Entrudor* & un *Abator* est en ceo; Que un *Abator* est celuy que entra en Terres void per le mort de un Tenant en Fee, & un *Entrudor* est celuy que entra en Terres void per le mort de un Tenant pur vie ou ans. Veies *F. N. B. fol.* 203.

Entrusion de Gard.

ENtrusion de Gard, est un Brief que gist ou le Heir deins age entra en ses Terres, & tient hors son Seignior; car en tiel case le Seignior navera le Brief *de Communi Custodia*, mes cest Brief de Entrusion de Gard. *Veil. N. B. fol.* 90.

or enters in Religion, or di
bles himself so that he can
take her, according to the s
Condition; then the Donor a
her Heirs shall have the s
Writ against him, or against w
soever is in the said Land. B
this Condition must be made
Indenture, otherwise this W
doth not lie. And all these, a
other Writs of Entry, may
made in the Per, Cui, and Po

Entrusion.

ENtrusion, is a Writ that l
where a Tenant for Life d
seised of certain Lands or Te
ments, and a Stranger ente
he in the Reversion shall h
this Writ against the Abator,
whosoever is in after their
trusion.

Also a Writ of Entrusion s
be maintainable by the Suc
sor of an Abbot against the A
tor, who shall enter in Lands
Tenements in the Time of V
cation that belong to the Chur
by the Statute of Marlbridge,
last Chapter.

And it seems the difference
tween an Intrudor and an Ab
is this; that an Abator is
that enters into Lands void
the death of a Tenant in F
and an Intrudor is he that ent
into Lands void by the Death
Tenant for Life or Years. S
F. N. B. fol. 203.

Entrusion de Gard.

ENtrusion de Gard, is a W
which lies where the
within age enters in his Lan
and holds out his Lord; so
such case the Lord shall not h
the Writ de Communi Custo
but this Writ of Entrusion
the Ward. Old. N. B. fol. 90.

En

Enure.

Nure ſignifies to take place or effect, to be available. As a Releaſe ſhall enure by way of Extinguiſhment. Lit. Chap. Releaſe.

Equity.

Quity is in two ſorts, and thoſe of contrary effects; the one doth abridge and take from the letter of the Law, the other doth enlarge and add thereunto.

The firſt is thus defined; Equity is the Correction of a Law, generally made in that part where it fails, which correction of the general Words is much uſed in the Law. As for example, when an Act of Parliament is made, that whoſoever doth ſuch a thing ſhall be a Felon, and ſhall ſuffer death, yet if a Mad-man or an Infant that hath no diſcretion of the ſame, they ſhall be no Felons, nor ſuffer death thereby.

Alſo if a Statute were made, that all perſons that ſhall receive, or give meat and drink, or other ſuccour to any that ſhall do any ſuch thing, ſhall be acceſſary to his Offence, and ſhall ſuffer death, if they knew of the fact; yet one doth ſuch an act, and comes to his Wife, who knowing thereof doth receive him, and gives him meat and drink, ſhall not be Acceſſary nor Felon; for by the generality of the general Words, neither the Mad-man, Infant, nor Wife, were included in the intent of the Law.

And thus Equity doth correct the generality of the Law in

Enure.

E*Nure* ſignifie prendre place ou effect, eſtre available. Come un Releaſe *enura* per voy d'Entinguiſhment. *Lit. Ca. Releaſe.*

Equitie.

E*Quitie* eſt en deux manners, & ceux de contrarie effects; car un abridge & tol le letter del Ley, l'auter enlarge, & adde a ceo.

Le primer eſt iſſint define; *Equitas eſt Correctio Legis generatim lata qua parte deficit*; le quel Correction del general parols eſt mult uſe en noſtre Ley. Sicome pur example, Quant Act de Parliament eſt fait; quecunq; que fait tiel act ſerra Felon, & ſerra miſe al mort; uncore ſi home de Non ſane memorie ou Enfant que nad diſcretion le fait, ils ne ſerront Felons, ne miſe al mort.

Auxy ſi Statute ſoit fait, Que touts perſons que receiveront, ou doneront maunger ou boyer ou aut' aid a ceſtuy que fera tiel act, ſerront acceſſary a ſon Offence, & ſerront miſe al mort, ſi ils conuſteront del fact; uncore l'un fait tiel act, & veigne a ſa proper feme, que ſciant ceo luy receive, & done maunger & boyer a luy; el ne ſerra Acceſſary, ne Felon; car per le generalitie de les dits parols ne ceſtuy de Non ſane memorie, Enfant, ne feme fueront enclude en l'Entent de Ley.

Et iſſint *Equitie* correct le generaltie del Ley en ceux caſes,

cases, & les parols generals sont per Equitie abridge.

Laut' *Equitie* est define estre *un Extension des parols de la Ley al Cases non exprimez, ayant mesmeins la mesme raison.* Ainsi quand les parols enact un chose, ils enact touts choses que sont en semblables degrees. Sicome le Statute que ordeigne, Que en Action de Det vers Executers, cestuy que vient per Distresse respondera, extenda per Equite al Administratours; car cestuy de eux que vient primes per Distresse, respondera per Equitie del dit Act; *quia sunt in æquali genere.*

Issint le Statute de *Glouceſter* done l'Action de Waste & le Punishment de ceo vers cestuy que tient pur vie ou ans; & per l'Equitie de ceo home avera Action de Waste vers cestuy que tient forsque pur un an ou demy an, uncore ceo est hors del parols del Statute; car cestuy que tient forsque pur demy an ou un an, ne tient pur ans; mes ceo est l'entent, & les parols quel enact l'un, per Equitie enacteront l'auter.

Errant

ERrant, id est, *Itinerans*, venust del parol *Francois Errer*, id est, *Errare*, ou del vieux parol *Erre*, id est, *Iter*; & est appropriate as Justices que alont en Circuit, & Bailies a large, que pur ceo sont appelle *Justices Errants*, & *Bailies Errants*, pur ceo que ils alont & travailont del un lieu al auter, l'un pur faire Justice, & auter per executer Proces. Veies *Eire*.

those cases, and the general wo are by Equity abridged.

The other Equity is defined be an Extension of the Words the Law to Cases unexpressed, having the same reason. So t when the words enact one thi they enact all other things t are of like Degree. As Statute which ordains, T in an Action of Debt against Executors, he that doth app by Distress shall answer, d extend by Equity to Administ tors; for such of them as pear first by Distress, shall swer by Equity of the said A because they are of the like ki

So likewise the Statute Glouceſter gives the Action Waste, and the Penalty of i gainst him that holds for Life Years; and by the Equity the of a man shall have an Action Waste against him that holds for one year or half a year, this is without the words of Statute; for he that holds for half a year or one year, d not hold for years; but that the meaning, and the words t enact the one, by equity en the other.

Errant.

ERrant, id est, Itinerans, com from the French word Er id est, Errare, or of the old w Erre, id est, Iter; and is app priated to Justices that in Circuit, and to the Bailiffs large, who are therefore ca Justices Errants, and Bailiffs rants, because they go and tra from place to place, the one do Justice, and the other to cute Process. See Eire.

Error.

ERror is a Fault in a Judgment, or in the Proces, or Proceeding to Judgment, or in the Execution upon the same in a Court of Record; which in the Civil Law is called, a Nullity. Error is also the Name of a Writ that lies where Judgment is given in the Common Place, or before the Justice in Assise, or Oyer and Terminer, or before the Major and Sheriffs of London, or in other Court of Record, against the Law, or upon undue and ill Proces; then the Party grieved shall have this Writ, and thereupon cause the Record and Proces to be removed before the Justices of the King's Bench, and if the Error be found, it shall be reversed. But if an erroneous Judgment be given in the King's Bench, then it could not be reversed but by Parliament, until the Statute of 27 Eliz. cap. 8.

Also if such a Default in Judgment be given in a Court not of Record, as in a County, Hundred, or Court-Baron, the party shall have a writ of False Judgment, to cause the Record to be brought before a Justice of the Common-place. Also if Error be found in the Exchequer, it shall be redressed by the Chancellor and Treasurer, as it appears by the Statute E. 3. an. 31. c. 12. & 31 El. c. 1.

Also there is another Writ of Error upon a Judgment in the King's Bench; and that is, where the Plaintiff assigns matter of Fact for Error: And this lies in the same Court, for this Court can redress their Errors in Fact, (but not their Errors in Law) But the Court of common B. cannot do so. See 1 W. & M. cap. 4.

Error.

E*Rror* est un Fault en un Judgment, ou en le Proceſſe ou Proceeding al Judgment, ou en Execution ſur ceo en Court de Record; quel Fault en le Civil Ley eſt appel un *Nullitie*. Auxy *Error* eſt le noſme de un Brief, & giſt lou Judgment eſt done en le Common Banke, ou devant Juſtice en Aſſiſe, ou devant Juſtice de Oyer & Terminer, ou devant le Maior ou Viſcount de *Londres*, ou en aut' Court de Record, contra le Ley, ou ſur undue un male Proces; donques le partie grieve avera cel Brief, & per ceo cauſera le Record & Proces deſtre remove devant les Juſtices de Bank le Roy; & la ſi l'*Error* ſoit trove, il ſerra reverſe. Mes ſi *erroneous* Judgment ſoit done en Bank le Roy, donques il ne poit eſte reverſe forſque per Parliament, tanque le Statute 27 *Eliz. cap.* 8.

Auxy ſi tiel Default ſoit en Judgment done en Court que neſt de Record, come en Countie, Hundred ou Court Baron, donque le partie avera Brief de Faux Judgment, pur faire le Record vener devant un Juſtice de Common Bank. Auxy ſi *Error* ſoit trove en l'Exchequer, il ſerra redreſſe per le Chauncellor & Treaſurer, ut patet per Statute *Ed.* 3. *an.* 31. *c.* 12. *&* 31 *Eliz. c.* 1.

Eſt auxi un aut' brief d'error ſur Judgment en Bank le Roy: Et ceſt ou le Plaint' voil aſſigne matter en fait pur *Error*. Et ceo giſt en meſme le Court, car ceſt Court poit redreſs lour errors en fait (mes nemy lour *Errors* en ley) mes le Court de Com. B. ne poit iſſint fair. Veies 1 *W. & M. cap* 4.

Eſcape.

E*Scape* eſt, lou un que eſt arreſt deveigne a ſon liberty devant que il ſoit deliver per Agard de aſcun Juſtice, ou per order de Ley.

Eſcape eſt en deux ſorts; voluntarie & negligent.

Voluntarie Eſcape eſt, quant un arreſt auter pur Felonie ou auter crime, & puis celuy en que cuſtodie il ſoit luy leſſer aler lou il voit.

Et ſi l'Arreſt fuit pur Felonie, ceo ſerra dit Felonie en ceſtuy que luy leſſer de eſcaper; ſi pur Treaſon, il ſerra Treaſon en luy; & ſi pur un Trepaſſe, donque Treſpaſſe; *& ſic de ſingulis.*

Quant un eſt arreſt, & puis eſcape encounter le volunt de ceſtuy que luy arreſt, & ne ſoit freſhment purſue, & repriſe devant que le purſuor perdra le view de luy; ceo ſerra dit *negligent Eſcape*, non obſtant que ceſtuy hors de que poſſeſſion il eſcape luy repriſt apres le vieu perdu. Auxy ſi un ſoit arreſt, & puis eſcape, & eſt a ſon libertie, & ceſtuy en que garde il fuiſt luy repriſe apres, & luy ameſne a le priſon; uncore il eſt *Eſcape* en luy.

Si un Felon ſoit arreſt per le Conſtable, & ameſne a le Gaol en le Countie, & le Gaoler ne voit luy receiver, & le Conſtable luy demit, & le Gaoler auxy, & iſſint il eſcape; ceſt eſt un Eſcape en le Gaoler pur ceo que en tiel caſe le Gaoler eſt tenus de luy receiver per le main del Conſtable, ſans aſcun Precept de le Juſtice de Peace. Mes auterment eſt, ſi un common perſon arreſt auter pur ſuſpicion de Felony, la le Gaoler neſt tenus de luy re-

Eſcape.

EScape is, where one that is arreſted comes to his Liberty before he be delivered by Award of any Juſtice, or by Order of Law.

Eſcape is in two Sorts; voluntary, and negligent.

Voluntary Eſcape is when one doth arreſt another for Felony or other Crime, and after he in whoſe cuſtody he is lets him go where he will,

And if the arreſt were for Felony, then ſhall it be Felony in him that ſuffered the Eſcape; if for Treaſon, then Treaſon in him; and if for Treſpaſs, then Treſpaſs; and ſo in all other.

When one is arreſted and after eſcapes againſt the Will of him that did arreſt him, and is not freſhly purſued, and taken before the Purſuer loſes the ſight of him; this ſhall be ſaid a negligent Eſcape, notwithſtanding that he out of whoſe Poſſeſſion he eſcaped do take him after he have loſt ſight of him. And ſo if one be arreſted and after eſcape, and is at his Liberty, and he in whoſe Ward he was, take him afterward, and bring him to the Priſon; yet it is an Eſcape in him.

If a Felon be arreſted by the Conſtable, and brought to the Gaol in the County, and the Gaoler will not receive him, and the Conſtable lets him go, and the Gaoler alſo, and ſo he eſcapes; this is an Eſcape in the Gaoler, for that in ſuch caſe the Gaoler is bound to receive him by the Hand of the Conſtable, without any Precept of the Juſtice of Peace. But otherwiſe it is, if a common Perſon arreſt another upon Suſpicion of Felony, there the Gaoler is not

bound

Exception.

EXception is a War or Stay to an Action; and is divided into Exception dilatory, and peremptory. Of these two see Bracton, l. 5. tract. 5. and Britton, c. 91, 92.

Exchange.

EXchange is, where a Man is seised of certain Land, and another is seised of other Land, if they by a Deed indented, or without Deed, if the Lands be in one County, exchange their Lands, so that each of them shall have other Lands to him so exchanged in Fee, fee-tail, or for Term of Life, that is called an Exchange, and is good without Livery and Seisin.

In Exchange the Estates to them limited must be equal; for if one should have an Estate in Fee in his Land, and the other an Estate in the other Land but for Term of Life, or in Tail, such Exchange is void; but if the Estates be equal, though the Lands be not of equal Value, yet the Exchange is good. Also an Exchange of Rent for Land is good. And an Exchange between Rent and Common is good, and that ought to be by Deed. Also it behoves always that this Word Exchange be in the Deed, or else nothing passes by it, except he have Livery and Seisin.

Exchequer.

EXchequer. See Exchequer.

Exception.

EXception est un Barre ou Stoppe a un Action; & est divide en exception dilatorie, & peremptorie. De ceux ambideux veies *Bracton, l. 5. tract. 5. & Britton, c. 91, 92.*

Exchange.

EXchange est, lou un home est seisie de certain Terre, & un auter est seisie de auter Terre, si ils per un Fait indent, ou sans Fait, si le Terres sont en un Countie, *exchange* lour Terres, issint que chescun d'eux avera auters Terres a luy issint exchange en fee, en fee-taile, ou a terme de vie, ceo est appel un *Exchange*, & est bone sans Liverie & Seisin.

En *Exchange* il covient que les Estates a eux limit sont egals; car si un averoit Estate en fee en sa Terre,, & l'auter Estate en auter Terre forsque pur term de vie, ou en taile, tiel Exchange est void; mes si les estates sont egal & les Terres ne sont de egal value, uncore le Exchange est bone. Auxy un Exchange de Rent pur Terre est bone. Et Exchange inter Rent & Common est bone, & ceo covient estre per Fait. Auxy il covient touts foits que cest parol *Exchange* soit en le Fait, ou auterment rien passa per la, sinon que il ayt Liverie & Seisin.

Exchequer.

EXchequer. Veies *Eschequer.*

Excommengement.

EXcommengement eſt adire en *Latine Excommunicatio*, & eſt lou un home per la judgment en Court Chriſtian eſt *Excommenge*, per quel il eſt diſable de ſuer aſcun Action en Court le Roy; & ſil remaine Excommenge xl. jours, & ne voile eſte juſtifie pur ſon Ordinarie, donques le Eveſque mandera ſon Letter al Chancelour, de certifier le Excommunication ou Contempt; & ſur ceo ſerra commaund al Viſcount de prendre le corps le Excommenge, per un Brief appel *De Excommunicato Capiendo*, jeſque il ad fait gree al ſaint Eſgliſe pur le Contempt & tort; & quand il eſt juſtify, le Eveſque maundera ſes Letters al Roy, certificant ceo; & donques ſerra maunde al Viſcount de luy deliver, per un Brief appel *Excommunicato deliberando*. Veies le Statute 5 *Eliz. cap.* 23.

Excommengement.

EXcommengement is to .in Latine, Excommunic and it is where a Man by J ment in Court Chriſtian Excommenged, by which h diſabled to ſue any Action the King's Court; and if remain Excommunicate xl. D and will not be juſtified by Ordinary, then the Bi ſhall ſend his Letter Pa to the Chancellour to cer this Excommunication, or C tempt; and thereupon the S riff ſhall be commanded to t the Body of him that is curſed, by a Writ called, De communicato capiendo, till hath made Satisfaction to Church for the Contempt Wrong; and when he is ſa fied, the Biſhop ſhall ſend Letters to the King, certify the ſame; and then the Sh ſhall be commanded to del him by a Writ called Excom nicato deliberando. See the S tute 5 Eliz. cap. 23.

Excommunicato recipiendo.

CEO eſt un Brief per ont perſons excommunicate eſteant pur lour obſtinacy commit al priſon, & illegalment deliver a ceo, devant que ils avont doner caution al obeyer le Authority del Eſgliſe ſont de eſtre enquire & commit arere, *Reg Orig. fol.* 87.

Excommunicato recipiendo.

THIS is a Writ wher Perſons excommunicate, ing for their Obſtinacy comm ted to Priſon, and unlawfu delibered from thence, be they have given Caution to o the Authority of the Chu are to be ſought for and laid again, Reg. Orig. fol. 87.

Excommunication.

EXcommunication. Veies *Excommengement.*

Excommunication.

EXcommunication. See commengement.

Execution.

EXecution is, where Judgment is given in any Action, that the Plaintiff ſhall recover the Land, Debt, or Damages, as the Caſe is; and when any Writ is awarded to put him in poſſeſſion, or to do any other Thing whereby the Plaintiff ſhould the better be ſatisfied his Debt or Damages, that is called a Writ of Execution; and when he hath the Poſſeſſion of the Land, or is paid the Debt or Damages, or hath the Body of the Defendant awarded to Priſon, then he hath Execution. And if the Plea be in the County, or Court-Baron, or Hundred, and they defer the Execution of the Judgment in Favour of the Party, or for other Cauſe; the Demandant ſhall have a Writ De Executione Judicii.

Note, that in a Writ of Debt a Man ſhall not have Recovery of any Lands, but of thoſe which the Defendant hath the Day of the Judgment yielded. And of Chattels, a Man ſhall have Execution only of the Chattels which he hath the Day of the Execution ſued.

Executione facienda.

EXecutione facienda is a Writ commanding Execution of a Judgment; the divers Uſes whereof ſee in the Table of the Reg. Judic.

Executor.

EXecutor is, when a Man makes his Teſtament and laſt Will, and therein names the Perſon that ſhall execute his Teſtament, that is his Executor, and is as much in the Civil Law as Hæres deſignatus, or

Execution.

E*Xecution* eſt, lou Judgement eſt done en aſcun Action, que le Plaintife recovera le Terre, le Det, ou Dammages, come le caſe eſt; & quand aſcun Brief eſt agard de luy mitter en poſſeſſion, ou de faire aſcun choſe per que le Plaintife ſerra le mieux ſatiſfie ſon Det ou Dammages, ceo eſt appel *Brief d' Execution*; & quand il ad le Poſſeſſion de le Terre, ou eſt pay le Det ou Dammages, ou ad le Corps le Defendant agard al priſon, donques il ad *Execution*. Et ſi le Plee ſoit en Countie, ou Court-Baron, ou Hundred, & ils delaiont le Execution del Judgment en favour de partie, ou pur auter encheaſon; le Demandant avera Brief *De Executione Judicii*.

Nota, que en Brief de Det home navera Recoverie de aſcun Terre, mes de ceux que le Defendant avoit jour de Judgment rendue. Et de Chateux, home avera Execution ſolement des Chateux queux il avoit jour de Execution ſue.

Executione facienda.

E*Xecutione facienda*, eſt un Brief commandant Execution de un Judgment; le divers uſes de quel veies en le Table de *Reg. Judic.*

Executor.

E*Xecutor* eſt, quand un home fait ſon Teſtament & darreine Volunt, & en ceo noſme le perſon que executera ſon Teſtament, il eſt ſon *Executor*, & eſt a tant en le Civil Ley come *Hæres deſignatus*, vel

Testamentarius, come al Dets, Biens & Chattels son Testator; & tiel *Executor* avera Action, vers chescun Dettor de son Testator; & si le Executor ad Assets, chescun a que le Testator fuit indett avera Action vers le Executor, si ad Obligation ou Especialtie; mes en chescun case lou le Testator puissoit gager son Ley, nul Action gist vers Executor. Veies pluis de ceo devant Titulo *Administrators*.

Et si ascun auter person nient fait Executor, pruit ou vend les biens del mort, poet estre sue come Executor de son tort en mesme le forme come auters Executors. Vide Stat. 30 *Car.* 2. *cap.* 7.

Testamentarius, as to Debts, Goods and Chattels of his Testator: And such an Executor shall have an Action against every Debtor of his Testator; and if the Executor hath Assets, every one to whom the Testator was in Debt, shall have an Action against him, if he have an Obligation or Speciality; but in every Case where the Testator might wage his Law, no Action lies against the Executor. See hereof before in the Title Administrators.

And if any other Person not made Executor, take or sell the Goods of the deceased, he may be sued as Executor of his own Wrong, in the same Form as other Executors. See the Statute of 30 Car. 2. cap. 7.

Exemplification.

E*Xemplification* est, ou home voile aver ascun Original Record transcript & *exemplifie* hors del Court lou il remaine, a quel purpose il poit aver un Brief, come appiert per le *Reg Orig. fol.* 290.

Et si home voile pleader un Record en autet Court que ceo lou il remaine, il covient a luy de aver *exemplifie* south le Grand Seale de *Angleterre*; car si soit *exemplifie* south le Seale de Common Banke, Exchequer, ou semblables, ceo ne servera, forsque en Evidence al Jurie. Veies *Co. l.* 5. *f.* 53.

Veies le Stat. 13 *Eliz. cap.* 6. & 23 *El.* 3. le force & use de Exemplifications de Patents, &c. Veies Constat.

Exemplification.

EXemplification is, when a Man will have any Original Record written out and exemplified forth of the Court where it remains, to which Purpose he may have a Writ, as appears by the Reg. orig. f. 290.

And if a Man will plead a Record in other Court than where it remains, it behoves him to have it exemplified under the Great Seal of England; for if it be exemplified under the Seal of the Common Pleas, Exchequer, or such like, it will not serve, unless in Evidence to a Jury. See Coke, l. 5. f. 53.

See the Statute of 13 Eliz. cap. 6. and 23 El. 3. the Force and Use of Exemplifications of Patents, &c. See *Constat.*

E

Exemption.

EXemption is a Privilege to be free from Service or Appearance; and therefore a Baron and Baroneſs, by Reaſon of their Dignity, are exempted to be ſworn upon any Inqueſt. Co. l. 6. fo. 53.

Alſo Knights, Clerks, and Women are exempted to appear at Leets, or the Sheriff's Tourn: And that is by the Statute of Marlebridge, c. 10.

And a Man may be exempted from being put upon Enqueſts and Juries by the King's Letters Patents; as the Preſident and College or Commonalty of Phyſicians in London, were by the Letters Patents of King H. 8. Coke, l. 8. f. 108.

Ex gravi querela.

EX gravi querela. See before in the Title Deviſe.

Exigent.

EXigent is a Writ that lies where a Man ſues an Action perſonal, and the Defendant cannot be found, nor hath any Thing within the County whereby he may be attached or diſtrained; then this Writ ſhall go forth to the Sheriff, to make Proclamation at five Counties, every one after another, that he appear, or elſe that he ſhall be outlawed: And if he be outlawed, then all his Goods and Chattels are forfeit to the King. In an Indictment of Felony the Exigene ſhall go forth after the firſt Capias. And in a Capias ad Computandum, or ad ſatisfaciendum, and in every Capias that goes forth after Judgment, the Exigent ſhall go forth after the firſt Ca-

Exemption.

E*Xemption* eſt un privilege deſtre franke de Service ou Appearance: & pur ceo un Baron & Baroneſs, pur reaſon de lour Dignitie, ſont *exempts* deſtre jure ſur aſcun Enqueſt. *Co. l. 6. f. 53.*

Auxy Chivalers, Clerks & Femes ſont *exempts* d'appearer al Leets ou Tourne del Viſc': Et ceo eſt per le Statute de *Marlebridge, c.* 10.

Et home poit eſtre *exempt* deſtre mis ſur Enqueſts ou Juries per les Letters Patents le Roy; come le Preſident & Colledge ou Communaltie de Phyſicians en *Londres* fueront per les Letters Patents del Roy *H. 8. Coke, l. 8. f.* 108.

Ex gravi querela.

E*X gravi querela.* Veies devant Tit. *Deviſe.*

Exigent.

E*Xigent* eſt un Brief que giſt lou home ſue Action perſonal, & le Defendant ne poit eſte trove, ne ad riens deins le Counte per que il puit eſte attach ou diſtreine, donques ceſt Brief iſſera al Viſcount, de faire Proclamation al cinque Counties, cheſcun apres auter, que il appeare, ou auterment il ſerra utlage; & ſi ſoit utlage, donques touts ſes biens & chateux ſont forfeits al Roy. En un Endictment de Felonie le *Exigent* iſſera apres le primer *Capias*. Et en *Capias ad computandum* ou *ad ſatisfaciendum*, & en cheſcun *Capias* que iſſiſt apres Judgment, l' *Exigent* iſſera apres le primet *Capias*. Et auxy en Appeal de Mort;

mes nemy en Appeal de Robberie ou Mayhem.

Ove ceo *Exigent* iſſuiſt un brief per le Stat. 13 *El. cap* 3. a fair trois Proclamations envers le Defendant, quel ne eſt en *Exigents* puis Judgment.

Exigenter.

EXigenter eſt un Officer del Common Plees, & de ceux ſont quatre. Ils ſont touts *Exigents* & Proclamations en touts Actions en queux proces d' Utlagarie giſt. Et ils font Briefs de *Superſedeas* cybien come les Protonotaries ſur tiels *Exigents* come fueront faits en lour Office. Et de ceſt Officer mention eſt fait en les Statutes de 10 *H. 6. c.* 4 & 18 *H 6. c* 9.

Ex mero motu.

EX *mero motu* ſont parols uſualment mis en les Charters le Roy, per queux il implie, que il fait ceo que eſt conteine en le Charter *de ſon volunt & motion demeſne*, ſans Prier ou Suggeſtion fait per aſcun auter. Et l' effect de ceux parols eſt, d' ouſter touts Exceptions que poieront eſte priſe al Inſtrument en que ils ſont conteinus, per alledger, que le Roy en donant de ceſt Charter fuit abuſe per aſcun faux Allegation. *Kitch. f.* 151.

Et quand un Charter le Roy ad en ceo ceux parols, il ſerra priſe plus fortment vers le Roy; pur que ſi le Roy pardon *B.* touts ſes Dets *ex mero motu*, touts Dets que *B.* doit come Viſcount ſont per ceo pardon; & en meſme le manpias. And alſo in Appeal of Death; but not in an Appeal of Robbery or Mayhem.

With this Exigent iſſueth alſo a Writ by the Statute of 13 El. cap. 3. to make three Proclamations againſt the Defendant, which is not in Exigents after Judgment.

Exigenter.

EXigenter is an Officer of the Common Pleas, of which there are four. They make out all Exigents and Proclamations in all Actions, in which Proceſs of Outlawry lies. And they make Writs of Superſedeas, as well as the Preignotaries upon ſuch Exigents as were made in their Office. Of this Officer there is mention made in the Statutes of 10 H. c. 4. & 18 H. 6. c. 9.

Ex mero motu.

EX mero motu are Words frequently uſed in the King's Charters, whereby he ſignifies, that he doth that which is contained in the Charter of his own Will and Motion, without Petition or Suggeſtion made by any other. And the Effect of theſe Words is, to bar all Exceptions that might be taken to the Inſtrument wherein they are contained, by alledging, that the King in paſſing that Charter was abuſed by any falſe Suggeſtion. Kitch. f. 121.

And when the King's Charter hath therein theſe Words, it ſhall be taken moſt ſtrongly againſt the King; therefore if the King, ex mero motu, pardon to B. all his Debts, all the Debts that B. owes as Sheriff are by this pardoned; and in like

like Manner it is in many other Cases, where these Words shall be taken as strongly against the King, as if a common Person had made the Grant. See Coke, L. 1. f. 45.

Ex parte talis.

EX parte talis. See before, Tit. Account.

Expectant.

EXpectant is used in the Common Law with this Word Fee, and thus it is opposite to fee-simple: For Example, Lands are given to a Man and his Wife in Frank-Marriage, To Have and to Hold to them and their Heirs: In this Case they have Fee-simple: But if Lands be given to them and the Heirs of their Body, &c. they have Tail and Fee expectant. Kitchin, fol. 153.

Expeditate.

EXpeditate is a Word often used in the Forest, signifying to cut out the Balls of great Dogs Feet, for Preservation of the King's Game. And one of the Articles to be enquired touching the Forest, is, If all great Dogs or Mastives in the Forest are Expeditated, according to the Laws of the Forest; and if any be not, the Owner of every such Dog shall forfeit to the King three Shillings and four Pence, Cromp. Jurisd. fol. 152. Manwood uses the same Word, and (part 1. of his Forest Law, fol. 212.) sets down the Manner of Expeditating Dogs heretofore, which was, that the three Claws of the Fore-foot on the Right Side shall be cut off by the Skin; whereunto he also adds out of the Ordinance

Ex parte talis.

EX *parte talis*. Veies devant Tit. *Account*.

Expectant.

EX*pectant* est use en le Commune Ley ove cest Parol *Fee*, & sinsi il est opposite al Fee-simple: Pur Exemple, Terres sont done a un home & son Feme en Franc-mariage, a aver & tener as eux & lours Heires: En ceo Case ils ount Fee-simple: Mes si Terres sont done as eux & les Heirs de lour Corps, &c. ils ount Tail & Fee *expectant*. *Kitchin, fol.* 153.

Expeditate.

EX*peditate* est un parol plusors foits use en le Forrest, impliant de prender hors les Balls des pees de grand Chiens, pur le preservation de Sporte le Roy. Et un des Articles destre enquire concernant le Forrest est, Si touts grand Cheins ou Mastives deins le Forrest sont *expeditate*, accordant al Leys del Forrest; & si ascuns ne sont, l'Owner de chescun tiel Chien forfeitera al Roy trois souls & quater deniers, *Cromp. Jurisd. fo.* 152. *Manwood* usast mesme le parol, & (*part.* 1. de son *Forrest Ley*, *fol.* 212.) relata le ancient *manner de expeditating* de Chiens, que fuir, que les trois Ortelles del Primer pee del dexter latere serront abscindus per le pelle; a que il auxy adde

hors del Ordinance appel le *Assise del Forrest*, que mesme le manner de *expeditating* des Chiens serra jammes use & observe, & nul auter. *Quære* de que il surde que *Crompton* & il differont; le un disant que le Ball del pee est abscinde; le auter, que les trois primer Ortilles sont desumus per le pelle.

called the Assise of the Forest, that the same Manner of Expeditating Dogs shall be still used and kept, and none other. Quære whence it arises, that Crompton and he differ; the one saying the Ball of the Foot is cut out; the other, that the three Fore-Claws are cut off by the Skin.

Expensis Militum levandis.

Expensis Militum levandis est un Brief direct al Viscount pur levier le Allowance pur Chivalers del Parliament, *Reg. orig. fo.* 191 *b.* Et *Expensis Militum non levandis ab hominibus de Antiquo Dominico, nec a Nativis*, est un Brief de prohibit le Viscount de levier ascun Allowance pur les Chivalers del County sur tiels queux tiendront en Ancient Demesne, &c. *Ibidem, fol.* 261, *b.*

Expensis Militum levandis.

Expensis Militum levandis is a Writ directed to the Sheriff for levying the Allowance for the Knights of the Parliament, Reg. orig. fol. 191. b. And Expensis Militum non levandis de hominibus, de Antiquo Dominico, nec a Nativis, is a Writ to prohibit the Sheriff to levy any Allowance for the Knights of the County upon such as hold in Ancient Demesne, &c. Ibid. fol. 261. b.

Extend.

Extend est, appraiser les Terres ou Tenements de un oblige per Statute, &c. que ad ceo forfeite, & deliverer eux al Conusee a tiel endifferent rate, come per le annuel Profits le Conusee en temps poit estre satisfie son Det. Veies *Fitz. N. B. fol.* 131 & *Cok. lib.* 4. *fol.* 67. *Fulwo's Case.*

Extend.

Extend is, to value the Lands or Tenements of one bound by Statute, &c. that hath forfeited it, and to deliver them to the Conusee at such indifferent Rates, as that by the yearly Profits the Conusee in time may be satisfied his Debt. See Fitz. Nat. B. fol. 131. and Coke, lib. 4. fol. 67. Fulwood's Case.

Extendi Facias.

Extendi facias est un Brief communement appel *Brief de Extent*, per que le value del Terre, &c. est commande de estre fait & levy en divers Cases, quel vies en le Table del Register Original.

Extendi Facias.

Extendi facias is a Writ commonly called a Writ of Extent, whereby the Value of Land, &c. is commanded to be made and levied in several Cases, which see in the Table of the Register of Writs.

Extent.

Extent.

EXtent has two Significations: The one is a Writ or Commiſſion to the Sheriff for the Valuing of Lands or Tenements; the other, the Act of the Sheriff or other Commiſſioner upon the Writ. Brooke, tit. Extent. fol. 313.

Extinguiſhment.

EXtinguiſhment is, where a Lord, or any other, hath any Rent or Service going out of any Land, and he purchaſes the ſame Land, ſo that he hath ſuch Eſtate in the Land as he had in the Rent; then the Rent is extinct, for that one may not have Rent going out of his own Land. Alſo when any Rent ſhall be extinct, the Land and the Rent muſt be in one Hand, the Eſtate indefeſible, and he have as good Eſtate in the Land as in the Rent; for if he have Eſtate in the Land but for Life or Years, and hath Fee-ſimple in the Rent, then the Rent is not extinct, but in Suſpence for that Time, and after the Term the Rent is revived.

If there be Lord, Meſne, and Tenant, and the Lord purchaſe the Tenancy, the Meſnalty is extinct; but the Meſne ſhall have the Surpluſage of the Rent, if there be any as Rent-ſeck. Alſo if a Man have a High-way appendant, and after purchaſe the Land wherein the High-way is, then the Way is extinct: And ſo it is of a Common appendant.

Extent.

EXtent ad deux ſignifications: Le un eſt un Brief ou Commiſſion al Viſcount pur le valuing del Terres ou Tenements; l'auter, l'act del Viſcount ou auter Commiſſioner ſur meſme Brief. *Brooke, tit. Extent, fol.* 313.

Extinguiſhment.

EXtinguiſhment eſt, lou un Seignior, ou aſcun auter ad aſcun Rent ou Service iſſuant de aſcun Terre, & il purchaſe meſme le Terre, iſſint que il ad tiel Eſtate en le Terre come il avoit en le Rent; donques le Rent eſt *extinct*, pur ceo que un ne poit avet Rent iſſuant hors de ſon Terre demeſne. Auxy quand aſcun Rent ſerra *extinct*, il covient que le Terre & le Rent ſont en un maine, & auxy que l'Eſtate que il ad ne ſoit defeaſible, & auxy que il ayt auxi bone Eſtate en le Terre come en le Rent; car ſi il ad Eſtate en le Terre forſque pur vie ou pur ans. & ad un Fee-ſimple en le Rent, donques le Rent neſt *extinct*, mes eſt en ſuſpence pur cel temps, & apres le terme le Rent eſt revive.

Si ſoit Seignior, Meſne, & Tenant, & le Seignior purchaſe le Tenancie, le Meſnaltie eſt extinct; mes le Meſne avera le ſurpluſage del Rent, ſi aſcun ſoit, come Rent-ſecke. Auxy ſi home ad Chimin appendant, & puis purchaſe le Terre en que le Chimin eſt, donques le Chimin eſt extinct; & iſſint eſt de un Common appendant.

Extirpatione.

EXtirpatione eſt un Brief judicial que giſt vers luy qui puis verdict done vers luy pur Terres, maliciouſment ſubvert aſcun Huiſe ſur ceo, &c. Et eſt duplex. ſcil. *Ante Judicium, & poſt Judicium.* Vid. *Reg. Judic. fol.* 13, 56, 58.

Extirpatione.

EXtirpatione is a Writ judicial that lieth againſt him, who after Verdict given againſt him for Land, &c. doth maliciouſly overthrow any Houſe upon it, &c. And is twofold, viz. Ante Judicium & poſt Judicium. See Reg. judic. fol. 13, 56, 58.

Extortion.

EXtortion eſt un Tort fait per un Officer, Ordinary, Archdeacon, Official, Major, Bailife, Viſcount, Eſcheator, South-Viſcount, Coroner, Gaoler, ou auter Officer, *Colore Officii ſui*, en prendant exceſſive Reward ou Fee pur execution de ſon Office, ou auterment; & neſt auter choſe en fait que plaine Robberie, mes pluis odible que Robberie; car Robberie eſt apparant, & tout temps ad ove luy le countenance de Vice; mes *Extortion*, eſteant cy hault Vice que Robberie eſt, port ove luy un countenance del Vertue, per reaſon de quel il eſt le pluis dure deſtre trie ou diſcerne, & pur ceo le pluis odible. Et uncore aſcuns il y ad que ne voiloient demurre mes ſtretch lour Office, Credit, & Conſcience, pur purchaſer Money, cybien per Extortion come auterment, accordant al diſant de le Poet *Virgil*, *Quid non mortalia pectora cogis, Auri ſacra fames?*

Extortion.

EXtortion is a Wrong done by any Officer, Ordinary, Archdeacon, Official, Mayor, Bailiff, Sheriff, Eſcheator, Coroner, Under-Sheriff, Gaoler, or other Officer, by colour of his Office, by taking exceſſive Reward or Fee for Execution of his Office, or otherwiſe; and is no other Thing indeed than plain Robbery, or rather more odious than Robbery; for Robbery is apparent, and always hath with it the Countenance of Vice; but Extortion, being as great a Vice as Robbery is, carries with it a Countenance of Vertue, by Means whereof it is the more hard to be tried or diſcerned, and therefore the more odious. And yet ſome there are that will not ſtick to ſtretch their Office, Credit, and Conſcience, to purchaſe Money as well by Extortion as otherwiſe, according to the Saying of the Poet Virgil, What is it that the greedy Thirſt of Gold doth not conſtrain Mortals to attempt.

Extrajudicial.

EXtrajudicial eſt quand Judgment eſt done en un Cauſe ou Caſe nient dependant en tiel Court lou tiel Judgment eſt done, ou en que le Judge ne avoit Juriſdiction.

Extrajudicial.

EXtrajudicial is when Judgment is given in a Cauſe or Caſe not depending in that Court where ſuch Judgment is given or wherein the Judge hath no Juriſdiction.

Extr

Extraparochial.

EXtraparochial is to be out of any Parish, or to be priviledged or exempt from the Duties of a Parish. Stat. 22 & 23 Car. 2.

Extraparochial.

EXtraparochial est de estre hors de ascun Parish, ou destre privilege ou exempt del Duties de un Parish. *Stat.* 22 & 23 *Car.* 2.

F.

Faculty.

FAculty is a word often used in the Statute of 25 Hen. 8. cap. 21. and it signifies a Privilege or special Dispensation granted unto a man by favour and indulgence, to do that which by the Law he cannot do; as to eat Flesh upon days forbidden, or to hold two or more Ecclesiastical Livings, and the like. And for the granting of these Faculties, there is a special Officer under the Archbishop of Canterbury, called, The Master of the Faculties.

Failing of Record.

FAiling of Record is, when an Action is brought against one, who pleads any matter of Record, and avers to prove it by the Record; and the Plaintiff saith there is no such Record; whereupon the Defendant hath day given him to bring in the Record; at which day he fails, or comes in such a one as is no Bar to this Action; then he is said to fail of his Record: and thereupon the Plaintiff shall have Judgment to recover, &c.

F.

Faculty.

F*Acultie* est un parel plusors foits use en le Statute de 25 *H.* 8. *c.* 21. & il signifie un Priviledge ou special Dispensation grant al home per favor & indulgence, de faire ceo que per le Ley il ne puit faire; sicome de manger Chaire en jours prohibits, ou pur tener deux ou plusors Ecclesiastical Benefices ensemble, &c. Et pur le grant' de ceux *Faculties* la est un especial Officer desouth l'Archevesq; de *Canterburie*, que est appel le *Master des Faculties*.

Failer de Record.

F*Ailer de Record* est, quant un Action est port envers un, que plede ascun matter de Record, & averre de ceo prove per le Record; & le Plaintife dit nul tiel Record; sur que le Defendant ad jour don a luy pur amesne eins le Record; a quel jour il *faile*, ou mesne eins un tiel que nest Barre al cest Action: donques il est dit pur *failer de son Record*; & sur ceo le Plaintife avera Judgment de recoverer.

Faint { *Action*, *Pleader*.

FAint Action (come *Littleton*, *fol.* 154. dit) eſt autant adire en *Anglois*, un *Fained Action*, ceſtaſcavoir, tiel Action, que coment que les parols de le Brief ſont voyer, uncore pur certain cauſes il nad title per la Ley de recover per meſme l' Action: Et *Faux Action* eſt, lou les parols del Brief ſont faux. Iſſint *Faint Pleader* eſt un covinous, faux & colluſorie manner de Pleading, al deceipt de un tierce partie. Et encounter tiel Faint Pleader, ent' auters choſes, le vieux Statute en 3 *E.* 1. *c.* 29. ſemble deſtre fait.

Fait.

FAit eſt un Eſcript enſeale & deliver, a prover & teſtifier l'Agreement del partie quel Fait il eſt al choſe containe en le Fait: Come un Fait de Feoffment eſt un Prove del Liverie de Seiſin, car le Terre paſſe per le Liverie de Seiſin; mes quant le Fait & le Liverie eſt joynte enſemble, ceſt un Prove del Liverie, & que le Feoffor eſt content, que le Feoffee avera le Terre.

Touts Faits ſont ou *Indent*, de quel ſont deux, trois ou pluſors partes, come le caſe require; de que le Feoffor, Grantor, ou Leſſor ad un; le Feoffee, Grantee, ou Leſſee, un auter, & peradventure aſc' aut perſon auxy un tierce, &c. Ou autrement ils ſont *Faits Poll*, ſingle & forſque un, le quel le Feoffee, Grantee, ou Leſſee ad, &c. Et cheſcun Fait conſiſt de trois principal choſes,

Faint { Action, Pleading.

FAint Action (as Littleton, fo 154. ſaith) is as much as t ſay in Engliſh, a Fained Action that is, ſuch Action, as thoug the Words of the Writ be true yet for certain Cauſes he hath n Title by the Law to recover b the ſame Action: And a fal Action is, where the Words o the Writ are falſe. So Faint Plead ing is a covinous, falſe, and cal luſory Manner of Pleading, t the Deceit of a third Party. In againſt ſuch Faint Pleading mongſt other Things, the ol Statute in 3 E. 1. cap. 29. ſeem to be made.

Deed.

DEed is a Writing ſealed an delivered, to prove and teſti fie the agreement of the Part whoſe Deed it is to the Thin contained in the Deed; as Deed of Feoffment is a Proo of the Livery of Seiſin, for t Land paſſes by the Livery Seiſin; but when the Deed an the Delivery are joyned tog ther that is a Proof of the Liver and that the Feoffor is content that the Feoffee ſhall have t Land.

All Deeds are either Indente whereof there are two, three, moze Parts, as the Caſe require of which the Feoffor, Grantor oz Leſſor hath one; the Feoffe Grantee, oz Leſſee another; a peradventure ſome other Body third, &c. Oz elſe they are P Deeds, ſingle, and but one, wh the Feoffee, Grantee oz Leſſ hath, &c. And every Deed co ſiſts of three principal Point (without which it is no perfe

De

(ſans quel il neſt perfect Fait, de lier les parties) noſmement, *Eſcripture*, *Sigillation*, & *Deliverie*.

1. Per *Eſcripture* eſt declare les Noſmes del parties al Fait, lour Habitations, lour Degrees, le Choſe grauntus, ſur queux Conſiderations, l'Eſtate limit, le Temps quant il fuit grauntus, & ſi ſimplement, ou ſur Condition, ove anters tiels ſemblables Circumſtances. Mes ſi les parties al Fait eſcript en le fine eſcrionst lour Noſmes, ou mis a ceo lour Markes, (come il eſt communement uſe) il ne fait aſcun matter; (come jeo ſuppoſe) car ceo neſt entende, ou il eſt dit, que cheſcun Fait covient de aver Eſcripture.

2. *Sigillation* eſt pluis Teſtimonie de lour Conſents al ceo contain en le Fait; come appiert per ceux parols, *In cujus rei Teſtimonium*, &c. ou a tiel effect, touts foits mis en le fine de Faits, ſans queux parols le Fait eſt inſufficient.

Et pur ceo que nous ſumus en Sigillation & Signing de Faits, il ne ſerra dehors icy a monſtre a vous, pur l'amour del Antiquitie, le manner del Signing & Subſcribing de Faits en noſtre Anceſtors le *Saxons* temps, un faſhion different de ceo que nous uſe en ceux noſtre jours, en ceo, que ils a lour Faits ſubſcribe lour Noſmes, (comunement adding le Signe del Croſſe) & en le fine mis un graund number de Teſtmoignes, nient uſant a cel temps aſcun manner de Sigil. Et nous a ceſt jour, pur pluis ſuretie, auxybien ſubſcribe noſtre

Deed to bind the Parties) namely Writing, Sealing, and Delivery.

1. By Writing is ſhewed the Parties Names to the Deed, their Dwelling-places, their Degrees, the Thing granted, upon what Conſiderations, the Eſtate limited, the Time when it was granted, and whether ſimply, or upon Condition, with other ſuch like Circumſtances. But whether the Parties to the Deed write in the End their Names, or ſet to their Marks, (as it is commonly uſed) it matters not at all, (as I think) for that is not meant, where it is ſaid, that every Deed ought to have Writing.

2. Sealing is a farther Teſtimony of their Conſents to what is contained in the Deed; as it appears in theſe Words, In Witneſs whereof, &c. or to ſuch Effect, being put in the latter End of Deeds, without which Words a Deed is inſufficient.

And becauſe we are about Sealing and Signing of Deeds, it ſhall not be much amiſs here to ſhew you for Antiquity's Sake, the Manner of Signing and Subſcribing Deeds in our Anceſtors the Saxons Time, a Faſhion differing from that we uſe now, in this, That they to their Deeds ſubſcribed their Names, commonly adding the Sign of the Croſs) and in the End of the Deed ſet down a great Number of Witneſſes, not uſing at that Time any Kind of Seal: And we at this Day, for more Surety, both ſubſcribe our Names, (though that be not very neceſſary) and put

ſtre Noſme, (nient obſtant ceo neſt mult neceſſarie) & mis noſtre Sigille, & uſe le aide des Teſtmoignes auxy.

Ceſt primer faſhion continue per tout tanque al temps del Conqueſt per les *Normans*, quel manners per petite & petite al darreine prevaile enter nous; car le primer Charter Sigil en *Angleterre* eſt penſe deſtre ceo del Roy *Edward* le Confeſſor, al Abbey de *Weſtminſter*, que eſteant educate en *Normandie*, port en ceſt Realme ceo & aſcun auter de lour guiſes. Et apres le veniens de *Guillaum* le Conquerour, les *Normans* eſtimants de le Cuſtome de lour Pays, (come naturalment touts Nations ſont) reject le manner que ils trovont cy, & reteignont lour proper, come *Ingulphus* le Abbot de *Croiland*, que vient ove le Conqueſt, teſmoigne, dicens, *Normanni Chirographorum confectionem, (cum Crucibus aureis & aliis ſignaculis ſacris in* Anglia *firmari ſolitam) in Ceram impreſſam mutant, modumque ſcribendi* Anglicum *rejicinnt*. Mes nient obſtant ceo ne fuit fait tout al un temps, mes il increaſe & vient eins per certain degrees: iſſint que primes & pur un ſeaſon le Roy ſolement, ou un peu auter de le Nobilitie, uſe de Sigiller; donques le Noble-homes pur le pluis part, & nul auters. Quel choſe un home poit veier en le Hiſtorie de *Battel Abbey*, lou *Rich. Lucie* Chief Juſtice de *Angleterre*, en la temps del Roy *Hen.* le Second, eſt report de aver blame un meane ſubject, pur ceo que il uſe un private Sigille, quant ceo perto our Seals, and uſe the Help of Witneſſes beſides.

That former Faſhion continued abſolute until the Time of the Conqueſt by the Normans whoſe Manners by little and little at the length prevailed amongſt us; for the firſt Seale Charter in England is thought to be that of King Edward the Confeſſor, to the Abbey of Weſtminſter, who being educated in Normandy, brought into the Realm that and ſome other of their Faſhions with him. And after the Coming of William the Conquerour, the Normans [left] king their own Country Cuſtom, (as naturally all Nations do) rejected the Manner they found here, and retained their own, as Ingulphus the Abbot of Croiland, who came [over] with the Conqueſt, witneſſeth ſaying; The Normans do change the making of Writings (which were wont to be firmed in England with Croſſes of Gold, and other holy Signs) into an Impreſſion of Wax, and reject all the Manner of the Engliſh Writing. Howbeit, this was not done all at once, but it increaſed and came forward by certain Degrees; ſo that firſt and for a Seaſon the King only or a few other of the Nobility, uſed Seal; then the Noble-men for the moſt part, and none other; which Thing a Man may [read] in the Hiſtory of Battle-Abbey where Richard Lucie, Chief Juſtice of England, in the Time of King Henry the Second, is reported to have blamed a meane Subject, for that he uſed a private Seal, whereas that pertain

ained (as he ſaid) to the King nd Nobility only.

It which Time alſo (as J. oſſe notes it) they uſed to in-rave in their Seals their own ictures and Counterfeits, co-ered with a long Coat over eir Armours, But after this, e Gentlemen of the better Sort ok up the Faſhion, and be-auſe they were not all Warri-urs, they made Seals ingraven ith their ſeveral Coats or hields of Arms, for Difference ake, as the ſame Author re-orts. At length about the ime of King Edward the third, eals became very common; that not only ſuch as bear rms uſed to ſeal, but other en alſo faſhioned to themſelves ignets of their own Devices, me taking the Letters of their n Names, ſome Flowers, me Knots and Flouriſhes, ſome irds and Beaſts, and ſome her Things, as we now yet ily ſee uſed.

Some other Manners of ealings beſides theſe have been ard of among us; as namely, at of King Edward the third, which he gave to Norman the unter,

The Hop and the Hop Town,
With all the Bounds upſide down:
And in Witneſs that it was ſooth,
He bit the Wax with his Fore-Tooth.

The like to this was ſhewed by one of my Friends in a Paper, but not very an-ntly written, and therefore he ed me to eſteem of it as I ught good: It was as fol-s:

tain (come il dit) al Roy & Nobility ſolement.

A quel temps auxy (come *J. Roſſe* nota ceo) ils uſe de ingrave en lour Sigils lour Pictures demeſne & counterfeits, cover ove longe Tunicle ſuper lour Armours. Mes apres ceo les Gentlehomes del meliour ſort priſt le faſhion, & pur ceo que ils ne fueront touts Guerriours, ils feſoient Sigills ingrave ove lour ſeveral Coats ou Shields de Armes, pur difference, come meſme le Authour report. Al darreine, en temps del Roy *Ed.* 3. Sigils fueront mult common; iſſint que non ſolement tiels que portant Armes uſe de Sigiller, mes auters homes auxy feſoient al eux meſmes Signets de lour deviſes demeſne, aſcuns prendrant les lettres de lour noſmes demeſne, aſc' Flowers, aſc' Knots & Flouriſhes, aſc' Oyſeaux & Beaſts, & aſc' auters choſes, come nous ore uncore journalment veiomus en uſe.

Aſcuns auters manners de Sigillation ouſter ceux ad eſte oye enter nous; come noſmement ceo del Roy *Edward* le tierce, per que il done al *Norman* le Hunter,

Le Hop, & le Hop-ville,
Ove touts les bounds upſide down:
Et en teſtimoigne que il ſoit verie,
Il morde le Cire ove ſon foredent.

Le ſemblable de ceſt fuit monſtre a moy per un de mes amies en un looſe charte, mes non mult ancientment eſcript, & pur ceo il voile moy que jeo eſteema de ceo come jeo penſe bien: Il fuit come enſuiſt.

Jeo

Jeo Guilliam King *dona a vous* Powlen Royden *ma Hop & ma Hop-terres, ove tours les bounds up & down, de Cælo al Terre, de Terre ad Infernum, pur toy & vestres a demurrer de moy & mes, al toy & vestres, pur un Arc & un broad Sagit, quand jeo veigne pur hunt sur Yarrow. In testimoigne que ceo est veray, Jeo morde ceſt Cere ove mon dent, en presence de* Magge, Maud, & Margery, & *mon tierce fitz* Henry.

I William King, give to the Powlen Royden my Hop and my Hop-Lands, with all the Bounds up and down, from Heaven to Earth, from Earth to Hell for thee and thine to dwell, from me and mine, to thee and thine for a Bow and a broad Arrow when I come to hunt upon Yarrow. In witneſs that this is ſoot I bite this Wax with my Tooth in the Preſence of Wagge, Maud and Margery, and my third Son Henry.

Item ceo de Alberick de Vere, conteignont le Donation de *Hatfield*, al quel il fixe un curt noyer-haft Cuttle, ſemblable al un vieux demy denier whittle, en ſteed de un Seal: ove divers tiels ſemblaules.

Alſo that of Alberick de Vere containing the Donation of Hatfield, to which he affixed a ſhort black-hafted Knife, like an old Half-Penny Whittle, inſtead of a Seal, with divers ſuch like.

Mes aſcuns peradventure voilent penſe que ceux fueront receive en common uſe & cuſtome, & que ils ne fueront les deviſes & pleaſures de un peu ſingular perſons; tiels ne ſont meines deceive que ils que penſont cheſcun Charter & Eſcript, que ne ad Sigille annexe, deſtre cy auntient come le Conqueſt; lou en veritie Sigillation ne fuit communement uſe tanque al temps del Roy *Ed.* 3. come ad eſte dit.

But ſome peradventure will think, that theſe were received in common Uſe and Cuſtom, and that they were not the Devices and Pleaſures of a few ſingular Perſons: Such are no leſs deceived than they that deem every Charter and Writing, that has no Seal annexed, to be as ancient as the Conqueſt; where indeed Sealing was not commonly uſed till the Time of King Edw. 3, as hath been already ſaid.

3. *Deliverie*, nient obſtant il ſoit mis darreign, neſt le meaneſt; car apres que un Fait ſoit eſcript & ſigille, ſi ne ſoit *deliver*, tout le reſidue eſt a nul purpoſe.

3. Delivery, though it be laſt, is not the leaſt; for after Deed is written and ſealed, if be not delivered, all the reſt to no Purpoſe.

Et ceſt *Deliverie* doit eſtre fait per le Partie luy meſme, ou ſon ſufficient Garrant; & iſſint il luy liera quecunque eſcript ou ſigil ceo; & per ceſt darreigne act le Fait eſt fait perfect, accordant al entent & effect de ceo; & pur

And this Delivery ought to done by the Party himſelf, his ſufficient Warrant; and it will bind him whoſoever wrote or ſealed the ſame; and by this laſt Act the Deed made perfect, according to Intent and Effect of it;

therefore in Deeds the Delivery is to be proved, &c.

Thus you see, Writing and Sealing, without Delivery, is Nothing to Purpose: Sealing and Delivery, where there is no Writing, work Nothing: And Writing and Delivery, without Sealing, make no Deed. Therefore they all ought joyntly to concur to make a perfect Deed.

Faitour.

FAitour is a Word used in the old repealed Statute of 7 R. 2. cap. 5. and it is there taken in the worse Sense for an evil Doer, or an idle Companion, and it seems there to be a Synonymon to Vagabond.

Faldage.

FAldage is a Privilege which anciently several Lords reserved to themselves of setting up Folds for Sheep in any Fields within their Manors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they call Secta Faldæ. This Faldage in some Places is termed Fold-course, or Free-fold, and in some old Charters Fald-soca, i. e. Libertas Faldæ, or Faldagii.

Falkland, or Folkland.

SEE Copyhold and Freehold.

Falso retorno Brevium.

FAlso retorno Brevium, is a Writ which lies against the Sheriff for false Return of Writs, 4 Judic. fol. 43. b.

ceo en Faits le Deliverie est destre prove, &c.

Issint poyes veyer, Escripture & Sigillation, sans Deliverie, est a nul purpose: Sigillation & Deliverie, lou nest ascun Escripture work nul chose: Et Escripture & Deliverie, sans Sigillation auxy, fait nul fait. Et pur ceo ils touts doient jointment concur pur faire un perfect Fait.

Faitour.

F*Aitour* est un parol que est use en le vieux repeale Statute de 7 R 2. *cap.* 5. & est la prise en le pire sense, pur un Male feasor, ou un Oiust companion, & semble icy destre un Synonymon al *Vagabond.*

Faldage.

F*Aldage* est un privilege que ancientment diverse Seignieurs reservont a luy mesmes pur erecting de Folds pur lour berbits en ascun agers deins lour Mannor pur le melieur manuring de ceo, & ceo non solement ove lour propres, mes auxi lour Tenants berbits, quel ils appellont *Secta Faldæ.* Cest *Faldage* en ascun lieus est appel *Fold course*, ou *Free-fold*, & en vieux Charters *Fald-soca*, i. e. *Libertas Faldæ*, ou *Faldagii.*

Falkland, or *Folkland.*

VEIES Copyhold & Freehold.

Falso retorno Brevium.

F*Also retorno Brevium* est un Brief que gist vers le Viscount pur false Retorn del Briefs. *4 Jud. fol* 43. *b.*

Fardingdale.

FArdingdale, auterment *Farundel*, de Terre, implia le Quart Part de un Acre, *Cromp. Juriſd. fol.* 220. *b. Quadrantata terræ* eſt lie en le *Reg. orig. fol.* 1. *b.* lou vous aves auxy *Denariata* & *Obolata*, *Solidata* & *Librata terræ*, que per probabilitie ſurderoit en proportion de quantitie de *Fardingdeal*, come un Male, Denier, Soulz, ou Liver ſurdont en value & eſtimation; donque *Obolata* eſt un Demy Acre, *Denariata* le Acre, *Solidata* Douze Acres, & *Librata* Douze ſcore Acres. Uncore en le *Reg. orig. fol.* 94. & 248. vous poyes trove *viginti Libratas terræ vel redditus*; per que il ſemble que *Librata terræ* eſt tanti que dona vigint ſoulx per le an; & *centum Solidatas terrarum, tenementorum, & reddituum. fol.* 249. Et en *F. N. B. fol.* 87. la ſont ceux parols, *Viginti Libratas terræ velredditus*, que prova ceo deſtre tant Terre come eſt rate al vigint ſoulz per le an. Veies *Furlong*.

Farme, ou *Ferme*.

FArme, ou *Ferme*, eſt uſualment le chief Meſſuage en un Village ou Town, a que apertinent grand Demeans de touts ſorts, & ad eſte uſe deſtre leſſe pur terme de vie, ans ou a volunt.

Le Rent que eſt reſerve ſur tiel Leaſe, ou ſemble eſt appelle *Farme* ou *Ferme*.

Et *Farmour*, ou *Fermour*, eſt celuy que occupia le Farme ou Ferme, ou eſt Leſſee de ceo.

Fardingdeale.

FArdingdeal, otherwiſe Farundel, of Land, ſignifies the Fourth Part of an Acre, Cromp. Juriſd. fol. 220. b. Quadrantata terræ is read in the Reg. orig. fol. 1. b. where you have alſo Denaria and Obolata, Solidata and Librata terræ, which by Probability muſt riſe in Proportion of Quantity from Fardingdeal, as a Half-Peny, Peny, Shilling, or Pound, riſe in Value or Eſtimation; then muſt Obolata be Half an Acre, Denariata the Acre, Solidata Twelve Acres, and Librata Twelve ſcore Acres. Yet in the Reg. orig. fol. 94, and 248. You may find viginti Libratas terræ vel redditus; whereby it ſeems that Librata terræ is as much as yields Twenty Shillings by the Year, and centum Solidatas terrarum, tenementorum, & reddituum, fol. 249. And in F. N. B. fol. 87 there are theſe Words Viginti Libratas terræ vel redditus, which proves this to be as much Land as is rated at Twenty Shillings by the Year. See Furlong.

Farm, *or* Ferm.

FArm, or Ferm, is uſually the chief Meſſuage in a Village or Town, whereto belongs great Demeans of all Sorts, and hath been uſed to be let for Term of Life, Years, or at Will.

The Rent that is reſerved upon ſuch a Leaſe, or the like is called Farm, or Ferm.

And Farmor, or Fermor, he that tenants the Farm, or Ferm, or is Leſſee thereof.

Also generally every Lessee for Life, Years, or at Will, is called Farmor, or Fermor.

And note, That they are called Farms, or Ferms, of the Saxon Word Feormian, which signifies to feed, or yield Victual: For in ancient Time their Reservations were as well in Victuals as Money, until at the last, and that chiefly in the Time of King Henry the first, by Agreement, the Reservation of Victuals was turned into ready Money, and so hitherto hath continued amongst most Men.

Fate, or Fatt.

FAte, or Fatt, is a Measure mentioned in the Statutes of 1 H. 5. cap. 10. and 11 H. 6. cap. 8. to contain eight Bushels: But the Citizens and Merchants of London (as it appears by those Statutes) and the King's Purveyors, would have that Measure and a Bushel over for one Quarter; and so they had nine Bushels for one Quarter of Corn.

False Imprisonment.

FALSE Imprisonment is a Writ that lies where a Man is arrested and restrained from his Liberty by another against the Order of the Law; then he shall have against him this Writ, whereby he shall recover Damages. See more thereof before, tit. Arrest.

False Judgment.

FALSE Judgment. See thereof before, tit. Error.

Auxy generalment chescun Lessee pur vie, ans, ou al volunt, est appel Farmour, ou Fermour.

Et nota, Que ils sont appelles Farmes, ou Fermes, del *Saxon* parol *Feormian*, que signifie pur feed, ou rend Victual: Car en ancient temps lour Reservations fueront cy bien en Victual come Argent; tanque al darreine, & ceo principalment en le temps de Roy *Hen.* 1. per agreement, le Reservation de Victuals fuit convert en redie Argent, & issint uncore ad continue enter plusors homes.

Fate, ou *Fatt.*

F*Ate*, ou *Fatt*, est un Measure mention en les Statutes de 1. *H.* 5. *cap.* 10. & 11 *H.* 6. *cap.* 8. pur conteiner huict Boisseaus: Mes les Citizens & Merchants de *Londres* (come appiert per ceux Statutes) & les Purveiors le Roy voilont aver ceo Measure & un Boisseau ouster pur Quartier; & issint ils avoient neufe Boisseaus pur un Quartier de Blee.

Faux Imprisonment.

F*AUX Imprisonment* est un Brief que gist lou home est arrest & restraine de son Liberie per un auter encounter Order de Ley; donques il avera vers luy cest Brief, per que il recovera Dammages: Veies pluis de ceo devant, *tit. Arrest.*

Faux Judgment.

F*AUX Judgment.* Veies de ceo devant, *tit. Error.*

Fealtie.

FEaltie eſt un Service, appelle en *Latine Fidelitas*, & ſerra fait en tiel manner; ceſtaſcavoire, le Tenant tiendra ſa main dextre ſur un Livre & dirra a ſon Seignior, *Jeo a vous ſerra foyal & loyal, & Foy a vous portera des Tenements que jeo claim de tener de vous, & veriament a vous ſerra les Cuſtomes & Services que fair vous doy al termes aſſignes; Sicome moy ayde Dieu:* Et baſera le Livre; mes il ne genulera, come en feſant Homage. Et de ceo veies apres en le Title *Homage*. Auxy *Fealty* eſt incident a touts manners de Tenures.

Fealty.

FEalty is a Service, called in Latin Fidelitas, and ſhall be done in this Manner; viz. The Tenant ſhall hold his Right-Hand upon a Book, and ſhall ſay to his Lord; I ſhall be to you faithful and true, and ſhall bear to you *Faith* for the Lands and Tenements which I claim to hold of you, and truly ſhall do you the Cuſtoms and Services that I ought to do to you at the Terms aſſigned; So help me God: And ſhall kiſs the Book; but he ſhall not kneel, as in doing Homage. And thereof ſee after in the Title Homage. Alſo Fealty is incident to all Manner of Tenures.

Fee.

FEE (*Feodum*, ou *Feudum*) vient del *Francois* parol *Fief*, i. e. *Feodum beneficiarium*, *vel res clientaris*, & ſignifie en noſtre Ley vox æquivoca des divers ſignifications: Car eſt plus communement priſe pur un Eſtate del inheritance en Terres ou Tenements al un & ſes heires, ou al un & les heires de ſon corps. Mes eſt uſe auxy pur le Compaſs, Circuit ou Extent de un Seigniorie ou Mannor. Et de ceo venuſt le ordinarie Plee en Barre al un Avowry, Que le Terre ſur que il avow eſt hors de ſon *Fee*. Et tiercement, il eſt priſe pur le Reward ou Salarie done al un pur le execution de ſon Office; come le Fee dun Forreſter, ou le Gardeine dun Parke, ou le Fee dun Viſcount pur le ſerver dun Execution, come eſt limit per le Statute 29 *El. c.* 4. Et iſſint eſt auxy priſe pur ceo

Fee.

FEE (Feodum, or Feudum) cometh from the French Word Fief, i. e. Feodum beneficiarium, vel res clientaris, and ſignifies in our Law an equivocal Word of divers Significations: For it is moſt uſually taken for an Eſtate of Inheritance in Lands and Tenements to one and his Heirs, or to one and the Heirs of his Body. But it is uſed alſo for the Compaſs, Circuit or Extent of a Lordſhip or Manor. And from thence comes the ordinary Plea in Bar to an Avowry, That the Land upon which he avows is out of his Fee. And thirdly, it is taken for a Reward or Wages given to one for the Execution of his Office; as the Fee of a Foreſter, or the Keeper of a Park, or a Sheriff's Fee for ſerving an Execution, limited by the Statute of 29 Eliz. cap. 4. And it is alſo taken for that Conſideration which is given a Ser-

vant

geant at Law, or a Counsellor, or a Physician, for their Counsel or Advice in their Profession, which (as it is well observed by Sir Jo. Davies, in his Preface to his Reports) is not properly Merces, but Honorarium. Yet in our Law-Language it is called his Fee.

Fee Expectant.

FEE Expectant: Where Lands are given to a Man and his Wife in Frank-Marriage, to have and to hold to them and their Heirs, in this Case they have Fee-simple; but if they are given to them and the Heirs of their Body, &c. They have Tail and Fee Expectant. Kitch. fol. 153.

Fee Farm.

FEE Farm is, when a Tenant holds of his Lord in Fee-simple, paying to him the Value of Half, or of the Third, Fourth, or other Part of the Land by the Year. And he that holds by Fee-Farm, ought not to pay Relief, or do any other Thing that is not contained in the Feoffment, but Fealty, for that belongs to all Kind of Tenures.

Fee-simple.

FEE-simple is, when any Person holds Lands or Rent, or other Thing, inheritable to him and his Heirs for evermore; and these Words, His Heirs, make the Estate of Inheritance, for if the Land be given to a Man for ever, yet he hath but an Estate for Life.

Consideration que est done al un Sergeant al Ley, ou al un Pleader, ou un Physician, pur lour Counsel ou advise en lour profession, que (come est bien observe per Sir J. *Davies*, en son Preface a ses Reports) nest properment *Merces*, forsque *Honorarium*. Mes uncore en le dialect de nostre Ley c'est appel son *Fee*.

Fee Expectant.

FEE *Expectant*: Lou Terres sont done al home & son feme en Frank-marriage, a aver & tener al eux & lour heires, en cest case ont Fee-simple; mes si sont done a eux & les heires de lour corps, &c. ont Taile & *Fee Expectant*. *Kitch. fol.* 153.

Fee Ferm.

FEE *Ferm* est, quand un Tenant tient de son Seignior en Fee-simple, rendant a luy value del moitie, ou de tierce part, ou auter part del Terre per an. Et il que tient en *Fee Ferme* ne doit payer Relief, ou faire auter chose, que ne est conteine en le Feoffment, forsque Fealtie, car ceo appent a touts manners de Tenures.

Fee-simple.

FEE-*simple* est, quand ascun person tient Terre ou Rent, ou auter chose, inheritable a luy & ses Heires a touts jours; & ceux parols, *Ses Heires* font le Estate de Inheritance; car si Terre soit done a home a touts jours, uncore il nad forsque Estate pur vie.

Auxy ſi Tenant en Fee-ſimple devie, ſon primer Fits ſerra ſon Heire; mes ſil nad Fits, donque touts les Files ſerront Heire, & cheſcun avera ſon part per partition: Mes ſil nad Fits ne File, donques ſon prochein Couſin collateral de le entire ſanke ſerra ſon Heire.

Felo de ſe.

FE*lo de ſe* eſt il que commit Felony per murdering ſoy meſme: Il forfeitera ſes Biens mes nemy ſes Terres, pur ceo que il ne poet eſtre attaint del Felony. *Staundf.* 19, 20. Veies *Cromp. de Juſtic. de Peix, fol.* 28.

Felonie.

FE*lonie* eſt un general terme, que comprehend divers heinous Offences, pur que le Offenders doient ſuffer mort, & perder lour Terres. Et ſemble que eux ſont appelles *Felonies*, del *Latine* parol *Fel*, que eſt en *Anglois Gall*, en *Francois*, *Fiel*, ou del ancient parol *Anglois*, *Fell*, ou Fierce, pur ceo que ſont entends deſtre faits *felleo animo*, ove fell, fierce, ou miſchievous mind. Quand home ſans aſcun colour de Ley emblea les biens de un auter, amountant al value de xii deniers ou pluis, ceo eſt *Larceny*: Mes ſi un approcha a le Perſon de un auter en le Hault-Chimin, & luy robba de ſes biens, meſque ils ne ſont forſque al value de un denier, il eſt *Felonie*; & ceo eſt appel *Robberie*, & pur ceo il ſerra pendue.

Alſo if Tenant in Fee-ſimple die, his firſt Son ſhall be his Heir; but if he have no Son, then all his Daughters ſhall be his Heirs, and every one ſhall have her Part by Partition: But if he have no Son nor Daughter, then his next Couſin collateral of the whole Blood ſhall be his Heir.

Felo de ſe.

FElo de ſe is he that commits Felony by murthering himſelf: He ſhall forfeit his Goods, but not his Lands, becauſe he cannot be attainted of the Felony. Staundf. 19, 20. See Cromp. Juſt. of Peace, fol. 28.

Felony.

FElony is a general Term, which comprehends divers heinous Offences, for which the Offenders ought to ſuffer Death, and loſe their Lands. And it ſeems that they are called Felonies, of the Latin Word Fel, which is in Engliſh, Gall, in French, Fiel; or of the ancient Engliſh Word, Fell, or Fierce, becauſe they are intended to be done with a fell, fierce, or miſchievous Mind. When a Man without any Colour of Law ſteals the Goods of another, amounting to the Value of Twelve Pence or more, that is Larceny: But if he approaches the Perſon of another in the High-Way, and robs him of his Goods, although it be but to the Value of one Penny, it is Felony, and therefore he ſhall be hanged.

Feme

Feme Covert.

FEme Covert is a Married Woman who is said to be under the Coverture of her Husband.

Fence-Month.

FEnce-Month is a Forest-Word and signifies the Space of 31 Days in the Year, that is to say, 15 Days before Midsummer, and 15 Days after, in which Time it is forbidden for any Man to hunt in the Forest, or to go into it to disturb the wild Beasts. The Reason of which is, because the Female-Deer do then fawn. And therefore this Month is called the Fence-Month, or Defence-Month, for that the Deer are then to be defended from Scare or Fear. See Manwood's Forest-Laws, cap. 13. fol. 90. b.

Feod.

FEod is a Right which the Vassal hath in Land, or some immoveable Thing of his Lord's, to use the same, and take the Profits thereof, rendring unto his Lord such feodal Duties and Services as belong to military Tenure, the meer Propriety of the Soil always remains unto the Lord. Spelman of Feuds and Tenures. c. 1.

Feodarie.

FEodarie was an Officer in the Court of Wards, appointed by the Master of that Court, by Virtue of the Statute 32 H. 8. cap. 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King, as well for the Value, as

Feme Covert.

F*Eme Covert* est un Feme Marrie que est dit de estre desouth le Coverture de sa Baron.

Fence-Moys.

F*Ence-Moys* est un parol del Forrest, & signifie le space de 31 jours en le an, cestascavoire, 15 jours devant Midsummer, & 15 jours apres, en quel temps est prohibit pur ascun home de chaser en le Forrest, ou de passer en ceo pur disturber les feres. Le reason de que est, pur ceo que a ceo temps parturiunt Damæ. Et pur ceo ceste Moys est appel le *Fence-Moys*, or Defence-Moys, pur ceo que les Dames sont adonque destre defends del fright ou terror. Veles *Manw. Forrest-Leys, c.* 13. *fol.* 90. *b.*

Feod.

F*Eod* est le droit que le Vassal avoit en Terres ou al chose immovable que appertient al son Seigneur pur user ceo & prender les profits de ceo, rendant al son Seigneur tiels feodal Duties & Services queux perteignont al military Tenure, le Property del soil touts foits remainant al Seigneur. *Spelman des Feuds & Tenures, cap.* 1.

Feodarie.

F*Eodarie* fuit un Officer en le Court de Gards, appoint per le Mr. de ceo Court, per vertue del Statute 32 *H.* 8 *cap.* 46. destre present ovesque le Escheator en chescun Countie al trover des Offices, & a doner evidence pur le Roy cybien pur le

Value come pur le Tenure. Et ſon Office fuit auxy pur ſurvey les Terres le Gard apres le Office trove, & pur retourn le verie value de eux en le Court; pur aſſigner Dower as Veſues le Roy; pur receiver touts les Rents des Terres les Gardens deins ſon Circuit, & pur eux reſponder al Receiver le Court. Mes veies le Stat. 12 *Car.* 2. *c.* 24. pur abolir le dit Court.

Feodatary.

FEodatary eſt un Tenant que tient ſon Eſtate per feodal Service.

Feodum laicum.

FEodum laicum, ou Terres tient en fee del un lay Seignior per le common Services, as queux military Tenure fuit ſubject, en oppoſition al Eccleſiaſtical teignont en *Frank-almoigne* diſcharge *del tiels burdens.*

Feoffment.

FEoffment eſt, lou un done Terre, Meaſons, ou tiel choſes corporal hereditable, a un auter en Fee-ſimple, & de ceo deliver Seiſin & Poſſeſſion. Auxy ſi un fait Done en le taile, ou Leaſe pur vie, il coviènt de done Liverie & Seiſin, ou auterment riens paſſera per le Grant.

Feoffor & Feoffee.

FEoffor eſt celuy que enfeoffe ou fait Feoffment al auter de Terres ou Tenements en Fee-ſimple: Et *Feoffee* eſt celuy que eſt enfeoffe, ou a que le Feoffment eſt iſſint fait.

for the Tenure. And his Office was alſo to ſurvey the Lands of the Ward after the Office found, and to return the true Value thereof into the Court; to aſſign Dower unto the King's Widows; to receive all the Rents of the Wards Lands within his Circuit, and to anſwer them to the Receiver of the Court. But ſee the Stat. 12 Car. 2. c. 24. for Abolithing the ſaid Court.

Feodatary.

FEodatary is a Tenant who held his Eſtate by feodal Service.

Feodum laicum.

FEodum laicum, or Lands held in Fee from a Lay-Lord, by the common Services, to which Military Tenure was ſubjected, in Oppoſition to Eccleſiaſtical Holding in Frank-almoigne diſcharged of ſuch Duties.

Feoffment.

FEoffment is, where a Man gives Lands, Houſes, or other Corporal Things which are heritable, to another in Fee-ſimple, and thereof delivers Seiſin and Poſſeſſion. Alſo if one make a Gift in Tail, or a Leaſe for Life, Livery and Seiſin muſt be given, or elſe Nothing ſhall paſs by the Grant.

Feoffor and Feoffee.

FEoffor is he that infeoffs or makes a Feoffment to another of Lands or Tenements in Fee-ſimple. And Feoffee is he who is infeoffed, or to whom the Feoffment is ſo made.

Ferdella Terræ.

FErdella Terræ is Ten Acres, Fardel or Yard-land. See Virgata Terræ.

Ferdfare.

FErdfare is, to be quit from going to the War. Flet. lib. 1. 47.

Ferdwit.

FErdwit is, to be quit of Murther commited in the Army. Flet. l. 1. c. 47.

Ferlingata Terræ.

FErlingata Terræ is the fourth Part of a Yard-Land. Ten Acres make one Ferling; four Ferlings one Virgate; four Virgates one Hide; and five Hides a Knight's Fee. Esc. 12. Ed. 2. n. 18. Ebor. In antient Records both Ferlingus and Ferdlingus Terræ are used. See Monastic. Anglican. part 2. f. 8.

Ferme.

FErme, or Farm, cometh of the French Word Ferme, Prædium, and signifieth with us a House or Land, or both, taken either by Indenture of Lease, or Lease-Parol. This in the North Parts of the Kingdom is called a Tacke, in Lancashire a Ferme-Holt, in Essex a Wike, &c. Both the French and English Word seem to come from the Latin Firmus; for I find Locare ad firmum to signifie with others as much as to set or let to Farm with us: The Reason whereof may be in Respect of the sure Hold they have beyond Tenants at Will. See Vocabul.

Ferdella Terræ.

F*Erdella Terræ* est dix Acres, un *Fardel* ou Yard-land. See *Virgata Terræ.*

Ferdfare.

F*Erdfare*, hoc est, quietum esse de eundo in Exercitum. *Flet. l.* 1. *c* 47.

Ferdwit.

F*Erdwit*, hoc est, quietum esse de Murdro in Exercitu facto. *Flet. l.* 1. *c.* 47.

Ferlingata Terræ.

F*Erlingata Terræ* est la quater partie de un Yard-Land. Decem Actæ faciunt unam Ferlingatam; quatuor Ferlingatæ Virgatam; quatuor Virgatæ Hidam, & quinque Hidæ Feodum militare. *Esc.* 12 *Ed.* 2. *n.* 18. En antient Records *Ferlingus* & *Ferdlingus* sont ambideux use. Veiez *Monast. Anglican. part* 2. *fol.* 8.

Ferme.

F*Erme*, ou *Farm*, venust del parol *François Ferme*, *Prædium*, & signifie ove nous un Meason ou Terre, ou ambideux, pris ou per Indenture de Lease, ou Lease-parol. Ceo en les parts de Nord de ce Royalm est appel un *Tacke*, en *Lancashire* un *Ferme-Holt*, en *Essex* un *Wike*, *&c.* Le *Francois* & *Englois* parol semble ambideux de vener del *Latin Firmus*, car jeo trove *Locare ad firmum* a signifier ove autres autant que *to set or let to Farm* ove nous; dont la Raison peut estre a cause del certaine Tenure lequel ils ount au dela de Tenants a volunts. Veiez

Vocabul. utriusque juris, verbo *Affidatus*. Veiez auxi *Farm.*

utriusque juris, verbo Affidatus. See also Farm.

Ferrie.

EST un liberty per prescription ou grant del Roy de aver boat pur passage sur un grand stream pur Caryage de chivals & homes pur reasonable Toll.

Ferry.

IS a Liberty by Prescription, or the King's Grant, to have a Boat for Passage upon a great Stream for Carriage of Horses and Men for reasonable Toll.

Feude.

FEude, ou *Mortal Feude*, est un parol *Germanois*, & signifie un Haine emplacable, que ne poit estre satisfie forsque ove le mort del enemie: Tiel est ceo enter les homes de *Scotland* & en le Nord parts de *Angleterre*, que est un Combination de tout le Consanguinity pur le vengeance del mort de ascun de lour sanke sur le Homicide & tout son race. Et cest parol est mention en le Statute de 43 *El.* c. 13.

Feude.

FEude, or Deadly Feude, is a German word, and signifies implacable Hatred, not to be satisfied but with the Death of the Enemy: Such is that amongst the People in Scotland, and in the Northern Parts of England, which is a Combination of all the Kindred to revenge the Death of any of the Blood upon the Slayer and all his Race. And this Word is mentioned in the Statute of 43 Eliz. c. 13.

Fieri facias.

FIeri *facias* est un Brief judicial, & gist lou home recovera Det ou Dammages en Court le Roy; donques il avera cest Brief al Viscount, luy commandant que il levie le Det & les Dammages des biens celuy vers que le Recoverie est ewe, & gist solement deins le an & jour, & apres le an luy covient suer un *Scire facias*; & si le partie soit garnie, & ne vient al jour, *&c.* ou sil vient, & ne scavoit rien dire, donques celuy que recovera avera Brief de *Fieri facias* direct al Viscount, que il face Execution de Judgment.

Mes si home recovera vers un feme, & el prist baron

Fieri facias.

FIeri facias is a Writ judicial, and lies where a Man recovers Debt or Damages in the King's Court; then he shall have this Writ to the Sheriff, commanding him that he levy the Debt and Damages of the Goods of him against whom the Recovery is had; and it lies only within a Year and a Day, and after the Year he must sue a Scire facias; and if the Party be warned, and doth not come at the Day, &c. or if he come, and say Nothing, then he who recovers shall have a Writ of Fieri facias directed to the Sheriff, that he make Execution of Judgment.

But if a Man recover against a Woman, and she takes

a

a Husband within the Year and the Day; then he that recovers must have a Scire facias against the Husband.

So it is if an Abbot or Prior recover and die, his Successor within the Year shall have a Scire facias. See thereof more in the Title Scire facias, and Title Execution.

There is also another Manner of Fieri facias against a Rector, where upon a general Fieri facias the Sheriff returns, quod nulla habet dona seu catalla, and thereupon a Writ is directed to the Bishop of the Diocess where he is Rector, and thereupon the Bishop levies the Debt of the Profits of the Gleab and Tithes of the Rectory.

Fifteenth.

Fifteenth. See Quinzisme.

Filazer.

Filazer (of the French Word Filace, id est, a Thread) is the Name of an Officer in the Common Pleas, of which there are 14. They make out all the Original Process there, and the Distress infinite upon Summons returned in personal Actions, and the Capias upon the Return of Nihil, and all Writs of View, in Cases where the View is prayed. And where the Appearance is with them, they enter the Imparlance, and the general Issue in common Actions, and Judgments by Confession before Issue joyned, and make out Writs of Execution upon them. And they make Writs of Supersedeas after a Capias awarded, when the Defendant appears in their Office. And

deins le an & jour; donques il covient que cestuy que recovera avera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior recover & devie, son Successor deins le an avera *Scire facias*. Vide de ceo pluis en le Title *Scire facias*, & Title *Execution*.

Auxy est un auter manner de *Fieri facias* versus un Rector, lou sur un general *Fieri facias* le Viscount retorne sur ceo, *quod nulla habet bona seu catalla*, & sur ceo Brief est direct al Evesque del Diocess ou il est Rector. Et sur ceo le Evesque levy le Debt des profits del gleab & dismes del Rectory.

Fifteenth.

Fifteenth. Veies *Quinzisme.*

Filazer.

Filazer (del parol *Francois Filace*, id est, Filum) est le nosme de un Officer en le Common Plees, des queux sont icy 14. Ils font touts les Original Proces la, & le Distresse infinite sur Summons retourne en Actions personals, & le *Capias* sur le retourne del *Nihil*, & touts Briefs de View en cases lou le View est prie. Et lou le appearance est ove eux, ils enter le Imparlance, & le general Issue en common Actions, & Judgments per Confession devant Issue joyne, & font Briefs de Execution sur eux. Et ils font Briefs de *Supersedeas* apres *Capias* agard, quand le Defendant appeare en lour Office. Et cest Officer est men-

tion

tion en les Statutes de 10 H. 6. c. 4. & 18 H. 6. c. 9.

File.

File (*Filacium*) est Filum vel Chorda qua Brevia & alia Curiis *Exhibita* trajiciuntur, pro meliori conservatione eorundem.

Finders.

Finders est un parol mention en mults Statutes, come en 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. & 31 H. 6. c. 5. & semble destre tout un ove ceux Officers queux ore nous appellomus *Scrutatores*, imployes pur le trover des biens imports ou exports sans payer del Custom.

Fine.

Fine ascun foits est prise pur un Summe de argent quel ascun est de payer al Roy pur ascun contempt ou offence; quel Fine chescun que commit ascun Tresp[illegible], ou que est convict que il fauxment denie son fait, ou fesoit ascun chose en contempt de Ley, payera al Roy; quel est appel *Fine al Roy*.

Ascun foits *Fine* est prise pur un final Concord quel est ewe enter ascuns persons touchant ascun Terre ou Rent, ou auter chose, dont ascun Suit ou Brief est enter eux pendant en ascun Court; quel poit este en divers manners. Le un est, quand le un Partie reconust ceo estre le droit del auter, come ceo que il eit del Done cestuy que fesoit le Reconusans, quel touts foits suppose un Feoffment precedent, & est dit *Fine execute*:

this Officer is mentioned in the Statutes of 10 H. 6. c. 4. and 18 H. 6. c. 9.

File.

File (Filacium) is a Thread or Wire upon which Writs and other Exhibits in Courts are put for the safer keeping of them together.

Finders.

Finders is a Word used in many Statutes, as in 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. and 31 H. 6. c. 5. and seem to be all one with those Officers which we now call Searchers imployed for the Discovery of Goods which are imported or exported without paying Custom.

Fine.

Fine sometimes is taken for a Sum of Money which one is to pay to the King for any Contempt or Offence; which Fine every one that commits any Trespass, or is convict that he falsly denies his own Deed, or did any Thing in Contempt of Law, shall pay to the King which is called a Fine to the King.

Sometime a Fine is taken for a final Agreement which is had between any Persons concerning any Land, or Rent, or other Thing, whereof any Suit or Writ is between them hanging in any Court; which may be divers ways: One is, when any Party acknowledges the to be the Right of the other, that he hath of the Gift of him that made the Recognizance which always supposes a Feoffment going before, and is called a Fine executed: Or if he acknow-

nowledged that to be the Right
f another, omitting these Words
come ceo que il eit de son Done)
his being a Fine upon acknow-
edging of Right only, if it be
ented to him which hath the
ree-hold of the Land, is a Fine
pon a Release.

If he that acknowledged it is
eised, and he to whom it is le-
ied hath not the Free-hold of
he Land, then it is called a
ine executory, which he to
hom the Land is acknowledged
ay execute by Entry, or Scire
cias.

Sometime such a Fine Sur co-
isance de droit only is to make
Surrender: Wherein is re-
arsed, that the Reconusor hath
n Estate for Life, and the o-
er a Reversion.

Sometime it is taken to pass
Reversion, where a particular
Estate is recited to be in ano-
er, and that the Reconusor will
at the other shall have the Re-
rsion, or that the Land shall
main to another after the par-
ular Estate spent.

And sometime he to whom
e Right is acknowledged, as
t which he hath of the Gift
the Reconusor, shall yield the
and, or a Rent out thereof to
e Conusor. And that some-
me for the whole Fee; some-
me for one particular Estate,
th Remainder or Remainders
er; and sometime with Re-
vation of Rents with Distress
d Grant thereof over by the
Fine.

He to whom the Gift is made
termed the Plaintiff or Co-
ee, and he from whom it
es, the Deforceant or Co-
or.

It is called a Fine, because
reby the Suit is ended; and

Où si il reconust ceo destre
le droit del auter, omittant
les parols (*come ceo que il eit
de son Done*) ceo esteant Fine
sur conusans de droit tante,
si soit levie a cestuy que eit
le Frank-tenement del Terre,
est *Fine sur Release*.

Si cestuy que ceo conust est
seisie, & celuy a que est levie
ne eit le Frank-tenement del
Terre, donques est dit *Fine exe-
cutorie*, quel cestuy a que le
Terre est conus poit executer
per *Entrie*, ou *Scire facias*.

Ascun foits tiel Fine *Sur co-
nusance de droit* tantum est pur
faire un surrender. Lou en
ceo est repeat, que le Recon-
usor eit Estate pur vie, & le
auter en Reversion.

Ascun foits ceo est ewe de
passer un Reversion, lou par-
ticular Estate est recite destre
en auter, & que le Reconusor
voit que le auter avera le Re-
version, ou que le Terre re-
maine al auter apres le patri-
cular Estate finie.

Et en ascun foits celuy a
que le droit est conus, come
ceo que il ad del Done le Re-
conusor, rendrá le Terre ou
un Rent hors de ceo al Co-
nusor. Et ceo ascun foits pur
le entire Fee; ascun foits pur
un particular Estate, ove Re-
mainder ou Remainders ou-
ster; & ascun foits ove Re-
servation de Rents ove Di-
stresse & Graunt de ceo ou-
ster per mesme Fine.

Ceo a que le done est fait
est appel le Plaintiff ou Coni-
zee, & ceo de quel il passera,
le Deforceant ou Conizor.

Est appel *Fine*, quia pur ceo
le Suit est *determine*; & si

ceo

ceo ſoit record ove Proclamation, ſolonque le Statute 4 *H.* 7. ceo barre Eſtrangers.

Fines pur Alienation.

F*Ines* pur Alienation ſont reaſonable Fines, pay al Roy per ſes Tenants en chief, pur Licenſe de aliener lour Terres accordant al Stat. 1 *E.* 3. *cap.* 12. Veies le *Stat.* 12 *Car.* 2. *cap.* 24.

Fine force.

F*Ine force*, ſignifie un abſolute Neceſſitie; ſicome lou home eſt conſtreine de faire aſc' choſe le quel il ne poit per aſo' voy avoid, nous diſomus que il fiſt c' de *Fine force*. Et iſſint ceſt parol eſt uſe en *Perk. ſect.* 321. en *Woodland & Mantel's Caſe*, en *Plow. f.* 94. *b* & en *Eaton's Caſe* cite en *Foxley's Caſe* en le 6. *Re. f.* 111. *a.*

Finors.

F*Inors* ſont ceux q; *purifient* Or & Argent, & eux ſever per feu & eau del Metals plus baſe & vile; & pur ceo en le Statute de 4 *H.* 7. *c.* 2. ſont auxy appels *Parters*.

Fire-bote.

F*Ire-bote* eſt neceſſary Boys pur arder, quel, per le Common Ley, Leſſee pur ans ou pur vie poit prender en ſon Terre, nient obſtant il ne ſoit expreſſe en ſon Leaſe; & nient obſtant il ſoit un Leaſe per Parol tantum ſans Fait: Mes ſil priſt pluis que beſoigne, il ſerra punie en Waſte.

Firſt-fruits.

F*Irſt-fruits (Primitiæ)* ſont les Revenues de cheſcun Spiritual Benefice pur un an,

it it be recoʒded with Proclamation, accoʒding to the Statute 4 H. 7. it bars Strangers.

Fines for Alienation.

FInes for Alienation are reaſonable Fines, and paid to the King by his Tenants in chief, foʒ Licenſe to alien their Lands accoʒding to the Stat. 1 E. 3. cap. 12. See the Stat. 12 Car. 2. cap. 24.

Fine force.

FIne force, ſignifies an abſolute Neceſſity; as when a Man is compelled to do that which he can no way avoid, we ſay he doth it de Fine force. So this woʒd is uſed in Perk, ſect. 321. in Mantel and Woodland's Caſe, in Plowden f. 94. b. and in Eaton's Caſe cited in Foxley's Caſe in the 6 Rep. 111. a.

Finors.

FInors are thoſe that purifie Gold and Silver, and part them by Fire and Water from courſe Metals; and thereforʒe in the Statute of 4 H. 7. c. 2. they are alſo called Parters.

Fire-bote.

FIre-bote is neceſſary Wood to burn, which, by the Common Law, Leſſee foʒ Years oʒ for Life may take in his Gʒound, though it be not expreſſed in the Leaſe; and although it be a Leaſe by Woʒd only, without Waſting. But if he take moʒe than is needful, he ſhall be puniſhed for Waſte.

Firſt-fruits.

FIrſt-fruits (Primitiæ) are the Profits of every Spiritual Living foʒ a Year, which was anciently

nciently given to the Pope; but by the Statute of 26 H. 8. c. 3. are now transferred to the King.

Fiſhgarth.

Fiſhgarth is a Dam or Wear in a River, made for the Taking of Fiſh, eſpecially in the Rivers of Owſe and Humber. 23 H. 8. cap. 18.

Fledwite.

Fledwite is, to be quit from Amerciaments, when an outlawed Fugitive comes to the King's Peace of his own Will, or being licenſed.

Flemeſwite.

Flemeſwite is, that you may have the Cattel or Amerciaments of your Fugitive Man.

Fletwit.

Fletwit, or Flitwit, is, to be quit from Contention and Conviats, and that you may have a plea thereof in your Court, and the Amerciaments; for Flit in Engliſh is Treaſon in French.

Floatſam.

Floatſam, or Flotſon, is, when a Ship is ſunk, or otherwiſe periſhed, and the Goods float on the Sea, and they are given to the Lord Admiral by his Letters Patents. See Cok. lib. 5. fol. 106.

Fold, Fould-courſe.

Fold, Fould-courſe, In Latine Falda, & Faldæ curſus, is Common for Sheep. See Shack. Co. Ent. 14, 15. Coke 8 Rep. 125. 1 Cro. Rep. Spooner and Day.

queux en auncient temps fueront dones al Pape, mes per le Statute de 26 H. 8. c. 3. ſont ore transferrés al Roy.

Fiſhgarth.

Fiſhgarth eſt un Dam ou Wear en un River fait pur le prender de Piſſons eſpecialment en les Rivers de *Ouſe* & *Humber*. 23 *H.* 8. *cap.* 18.

Fledwite.

Fledwite eſt, quietum eſſe de Amerciamentis, cum quis utlagatus Fugitivus veniat ad Pacem Domini Regis ſponte vel licenciatus.

Flemeſwite.

Flemeſwite eſt, quod habeatis Catalla ſive Amerciamenta hominis veſtri Fugitivi.

Fletwit.

Fletwit, ou *Flitwit*, eſt, quietum eſſe de Contentione & Convictis, & quod habeatis Placitum inde in Curia veſtra, & Amerciamenta; car *Flit Angliee* eſt *Treaſon Gallice*.

Floatſam.

Floatſam, ou *Flotſon* eſt, quant un Nief eſt ſubmerge ou autrement periſh, & les biens float ſur la Mere, & ils ſont dones al Seigniour Admiral per ſes Letters Patents. Veies *Coke lib.* 5. *fol.* 106.

Fold, Fould-courſe.

Fold, Fould courſe, en *Latine Falda & Faldæ curſus*, eſt common pur barbits. Vid. *Shack. & Co. Ent.* 14, 15. *Co.* 8 *Rep.* 125. 1 *Cro. Rep. Spooner & Day.*

Folkmoot,

Folkmoot.

FOlkmoot ſignifie (ſelon *Lambard* en ſon Expoſition del *Saxon* parols) deux kinds del Courts; l'un ore appel le *County Court*, l'auter le *Sheriff's Tourne*. Et en *Londres* il ſignifie a ceſt jour *celebrem ex omni Civitate Conventum*. Stow's Survey.

Footgeld.

FOotgeld eſt un Amerciament pur nient prendant hors les Bales des pees d' graund Chiens en l' Forreſt, pur que veies *Expeditate*: Et deſtre quit de aver Chiens irregular deins l' Forreſt ſans paine ou controlle. *Crompt. Juriſd. fol.* 197. *Manwood, part* 1. *pag.* 86.

Forcible detainer.

FOrcible *detainer*, ou tener de poſſeſſion, eſt un violent act de reſiſtance per fort main ove Arms, & teignant poſſeſſion, iſſint que les Juſtices ou autres ſont hinder ou barr de faire un legal Entre. *Cromp. Juſt. del P. fol.* 58. *uſq;* 63.

Forcible Entry.

FOrcible *Entry* eſt un violent actual Entrie en Meaſon ou Terre; ou prend' Diſtres ove armes, ſoit que il offer Violence ou nemy. *Weſt. par.* 2. *Symb. tit. Indictment, Sect.* 65.

Foreclоſed.

FOreclоſed eſt celuy que eſt barre & ouſterment excluſe pur touts temps. *Co.* 2 *Inſt.* 298.

Folkmoot.

FOlkmoot ſignifies (according to Lambard in his Expoſition of Saxon words) two kinds Courts; one now called t County Court, the other the Sheriff's Tourn, And in London ſignifies at this day celebrem omni Civitate Conventum. Stow Survey.

Footgeld.

FOotgeld is an Amerciament not cutting out the Balls great Dogs Feet in the Fore for which ſee Expeditate: And be quit of Footgeld is a Privile to keep Dogs within the For unlawed without Puniſhment Controll. Cromp. Juriſd. fol. 1 Manwood, part. 1. pag. 86.

Forcible detainer.

FOrcible detainer, or keepi Poſſeſſion, is a violent Act reſiſting by ſtrong Hand w Arms, and keeping Poſſeſſion, that the Juſtices or others hindred or barred to make a La ful Entry. Cromp. Juſt. del fol. 58. to 63.

Forcible Entry.

FOrcible Entry is a violent ac al Entry into Houſe or La or taking a Diſtreſs weapon whether he offer Violence or West. part 2 Symb. tit. Inditeme Sect 65.

Foreclоſed.

FOreclоſed is he who is bar and utterly excluded for t Co. 2 Inſt. 298.

Fore

Foreign.

FOreign (Fr. Foreign, Lat. Forinsecus) is a Word adjectively used, and joined with divers Substantives; as Foreign Matter triable in another County, Pl. Cor. 154. or Matter done in another County, Kitch. fol. 126.

Foreign Plea is a Refusal of the Judge as incompetent, because the Matter in Hand was not within his Precincts. Kitch. fol. 75. & Anno 4 H. 8. cap. 2. & Anno 22 ejusdem cap. 2. & 14.

Foreign Answer is such an Answer as is not triable in the County where it is made. Anno 15 H. 6. cap. 5.

Foreign Service is such Service whereby a Mesne Lord holds Fee of another without the Compass of his own Fee. Bro. tit. Tenures, fol. 251. num. 12. & 28. and Kitch. fol. 209. Or else that which a Tenant performs either to his own Lord, or to the Lord above him out of his Fee. For of such Services Bracton, lib. 2. cap. 16. num. 7. speaks thus:

Also there are certain Services which are called Foreign, though they be named and express'd in the Charter of Feoffment, and may therefore be call'd Foreign, because they appertain to our Lord the King, and not to the chief Lord, unless when he goes in Service in Person, or that he satisfies our Lord the King for the Service by some Kind of Means; and they are performed at certain Times, when Occasion and Necessity require, and they have divers and sundry Names: For sometime they are called Foreign,

Foreign.

FOreign, (Fr. *Forein*, Lat. *Forinsecus*) est un parol adjective use, & joyne ove divers Substantives; come *Foreign Matter* triable en auter Countie, *Pl. Cor.* 154. ou matter fait en auter Countie, *Kitch. fol.* 126.

Foreign Plee est un refusal del Judge come incompetent, pur ceo que le matter dependant ne fuit deins ses Limits. *Kitch. fol.* 75. & *Anno* 4 *H.* 8. *cap.* 2. & *An.* 22 *ejusdem c.* 2. & 14.

Foreign Respons est tiel Respons que nest triable en le Countie ou il est fait. *Anno* 15 *H.* 6. *cap.* 5.

Foreign Service est tiel Service per que un Mesne Seignior tient ouster de un auter dehors le circuit de son fee demesne. *Bro. tit. Tenures, fol.* 251. *num.* 12. & 28. & *Kitch. fol.* 209. Ou autrement ceo que un Tenant performe ou a son Seignior demesne, ou al Seignior Paramount hors del fee. Car de tiels Services *Bract. lib.* 2. *cap.* 16. *num.* 7. issint parle:

Item sunt quædam Servitia quæ dicuntur Forinseca, *quæ vis sunt in Charta de Feoffamento expressa & nominata, & quæ ideo dici possunt* Forinseca, *quia pertinent ad Dominum Regem, & non ad Dominum Capitalem, nisi cum in propria persona profectus fuerit in Servitio, vel nisi cum pro Servitio suo satisfecerit Domino Regi quocunque modo; & fiunt in certis temporibus, cum casus & necessitas evenerit, & varia nomina habent & diversa: Quandoque enim nominantur* Forinseca, *large sumpto vocabulo,*

quand

quoad Servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis : & ideo Forinsecum *dici potest, quia fit & capitur foris, sive extra Servitium quod sit Domino Capitali.* Veiez *Broke, Tenures* 28, 95.

Foreign Service semble destre Service de Chivaler, ou Escuage, non certain. *Perkins, sect.* 650.

Foreign Attachment est un Attachment des biens de Foreigners deins ascun Franchise ou Citie, pur le satisfaction de ascun Citizen a que le dit Foreigner doit argent.

Foreign Apposer est un Officer en le Exchequer, a que touts Viscounts & Bailiffs viendront, per luy destre *oppose* de lour Greene wax : Et de ceo il treit un charge sur le Viscount ou Bailiff al Clerk del Pipe.

Foreign Apposer.

EST un Officer en le Exchequer que est de examiner les Estreats des Viscounts ove le Record, & de demander del Viscount que il avoit a dire al ascun particular sum deins ceo.

Foreſt, ou *Forreſt.*

FOreſt est un priviledge pur authoritie Royal, ou per Prescription, pur le peaceable abode & nourishment del Beasts, ou Oiseux del Foreſt, pur le disport del Roy : Pur queux ont este en antient temps certaine peculiar Officers, Leyes & Orders, part de queux appearont en le grand Charter de le Foreſt.

the Word taken largely as to t
King's Service, sometime Escu
sometime Service of the Kin
and it may therefore be cal
Forreign, because it is done
taken without, or beside Serv
done to the Lord Paramou
See Brooke, Tenures 28, 95.

Foreign Service seems to
Knights Service, or Escuage
certain. Perkins, sect. 650.

Foreign Attachment is an
tachment of the Goods of
reigners within any Liberty
City, for the Satisfaction
any Citizen to whom the
Forreigner owes Money.

Foreign Apposer is an Offic
in the Exchequer, to whom
Sheriffs and Bailiffs do
pair, by him to be apposed
their Green Wax : And fr
thence he drawes down a Char
upon the Sheriff or Bailiff
the Clerk of the Pipe.

Foreign Apposer.

IS an Officer in the Exchequ
whose Business it is to e
mine the Sheriff's Estreats w
the Record, and to ask the S
riff what he can say to eve
particular Sum therein.

Foreſt, *or* Forreſt.

FOreſt is a Place privile
by Royal Authority, or
Prescription, for the peacea
Abiding and Nourishment
the Beasts or Birds of the
reſt, for Disport of the Kin
For which there have been
antient time certain pecu
Officers, Laws and Ord
Part of which appear in
great Charter of the Forest.

Foreſter.

FOreſter is an Officer of the Foreſt, ſworn to preſerve the Vert and Veniſon of the Foreſt, to attend upon the wild Beaſts within his Bailiwick, to watch and keep them ſafe by Day and by Night, to apprehend all Offenders there in Vert or Veniſon, and to preſent them at the Courts of the Foreſt, to the End they may be puniſhed according to their Offences.

Foreſtall.

FOreſtall is, to be quit of Amerciaments and Cattels arreſted within your Land, and the Amerciaments thereof coming.

Foreſtaller.

FOreſtaller is he that buys Corn, Cattle, or other Merchandize whatſoever, by the Way as it comes to Markets, Fairs, or ſuch like Places to be ſold, to the Intent to ſell the ſame again at a more high and dear Price, in Prejudice of the Commonwealth and People, &c.

The Pain for ſuch as are convict thereof is, for the firſt Time, two Months Impriſonment, and Loſs of the Value of the Thing ſold.

The ſecond Time, Impriſonment by the Space of Half a Year, and Loſs of double Value of the Goods, &c.

The third Time, Impriſonment during the King's Pleaſure, and Judgment of the Pillory, and to forfeit all his Goods and Chattels. See the Statute 5 Ed. 6. cap. 14.

Foreſter.

FOreſter eſt un Officer del Foreſt, que eſt jure pur preſerve le Vert & Veniſon del Foreſt, pur attender ſur les Feres deins ſon Bayliwick, de eux veiller & ſafement garder per jour & per nuict, pur attacher touts Offendors la ou en Vert ou en Veniſon, & eux de preſenter as Courts del Foreſt, al intent que poient eſtre la punies ſolonque lour Delicts.

Foreſtall.

FOreſtall eſt, quietum eſſe de Amerciamentis & Catallis arreſtatis infra Terram veſtram, & Amerciamenta inde provenientia.

Foreſtaller.

FOreſtaller eſt celuy que achate Blees, Avers, ou auters Merchandize quecunque, per le chimin quand il vient al Markets, Faires, ou tiels ſemble lieux deſtre vende, al entent a vender ceo al un pluis hault & chere price, in prejudice de le Commonweale & gents, &c.

Le Penaltie pur ceux queux ſont convict de ceo eſt, le primer temps, Impriſonment pur deux moys, & perde de le value del choſe vende.

Le ſecond temps, Impriſonment per le ſpace de demy an, & perde de double value des biens, &c.

Le tierce temps, Impriſonment durant le pleaſure le Roy, & judgement del Pillory, & forfeiture de touts ſes biens & chateux. Veies le Statute 5 Ed. 6. cap. 14.

Forfeiture del Marriage.

FOrfeiture *del Marriage* ſuit un Brief que giſoit pur le Seignior en Chivalry vers ſon Gard, que refuſe un convenable Marriage tender a luy per ſon Seignior, & deins age marrie un auter ſans le aſſent ſon Seignior. Et veies pur ceo *Fitzh. N. B. fol.* 141. *g. &c.*

Forfeiture of Marriage.

FOrfeiture of Marriage was a Writ that lay for the Lord by Knights Service againſt his Ward, who refuſed a convenient Marriage offered him by his Lord, and married another within Age without the Aſſent of his Lord. And ſee for this Fitz. N. B. fol. 141. g &c.

Forger des faux Faits.

FOrger *des faux Faits* venuſt de parol *Francois Forger*, que ſignifie fabricare, framer & faſhioner, come un Forgeron ſon overage ſur l'Enclume. Et eſt uſe in noſtre Ley, pur le fraudulent ſeaſance & publiſher de faux Faits al prejudice del droit de un auter. *Fitz.* en ſon *N. B fol.* 96. *B. C.* dit que Brief de Diſceit giſt vers celuy que iſſint *forge* aſcun fait.

Forger of falſe Deeds.

FOrger of falſe Deeds comes of the French Word Forger, which ſignifies to frame or faſhion a Thing, as the Smith doth his Work upon his Anvil. And it is uſed in our Law for the fraudulent Making and Publiſhing of falſe Writings to the Prejudice of another Man's Right. Fitz. in his N. B. fol. 96. B. C. ſays, that a Writ of Deceit lies againſt him that thus forges any Deed.

Forjudger.

FOrjudger eſt un Judgment done en un Brief de *Meſne*, port per un Tenant envers le Meſne Seignior, que doit acquiter le Tenant des Services demandes per le Seignior paramount, de que le Tenement eſt tenus, & le Meſne ne voile appear; donques Judgment ſerra done, que le Meſne Seignior perdra ſon Seigniorie, & que le Tenant dilonques tiendra del Seignior paramount per tiels Services come le Meſne tenoit devant, & ſerroit diſcharge del Services queux il rendroit al Meſne, per le Statute de *Weſt. 2. cap.* 9. que eſt appel un *Forjudger*.

Et auxy ſi un Attorney ou auter Officer in aſcun Court

Forejudger.

FOrejudger is a Judgment given in a Writ of Meſne, brought by a Tenant againſt a Meſne Lord, who ſhould acquit the Tenant of Services demanded by the Lord above, of whom the Tenement is holden, and the Meſne will not appear; then Judgment ſhall be given, that the Meſne Lord ſhall loſe his Seigniory, and that the Tenant from thenceforth ſhall hold of the Lord above by ſuch Suits as the Meſne held before, and ſhall be diſcharged of the Services which he yielded to the Meſne, by the Statute of Weſt. 2. cap. 9. which is called a Forejudger.

Alſo if an Attorney or other Officer in any Court be put out and

and forbidden to uſe the ſame, he is ſaid to be forejudged the Court.

Formedon.

FOrmedon is a Writ that lies where Tenant in Tail infeoffs a Stranger, or is diſſeiſed, and dies; his Heir ſhall have a Writ of Formedon to recover the Land. But there are three Manner of Formedons. One is in the Diſcender, and that is in the Caſe before ſaid. And if one give Land in the Tail, and for Default of Iſſue the Remainder to another in the Tail, and that for Default of ſuch Iſſue the Land ſhall revert to the Donor; if the firſt Tenant in Tail die without Iſſue, he in the Remainder ſhall have a Formedon in the Remainder: But if the Tenant in the Tail die without Iſſue, and he in the Remainder alſo die without Iſſue, then the Donor or his Heirs ſhall have a Formedon in the Reverter.

Forſechoke.

FOrſechoke ſeems to ſignifie as much as Forſaken, in our modern Language: It is eſpecially uſed Anno 10 Edw. 1. cap. unico, for Lands or Tenements ſeiſed by the Lord, for Want of Services due from his Tenant, and ſo quietly held and poſſeſſed beyond the Year and Day.

Founder.

FOunder is he that uſes the Art of Melting or Diſſolving Metals, and making any Thing thereof by caſting in Molds. He ſeems to have his Name from the Latin Word Fundere, and is

ſoit ouſte & prohibite de uſer ceo, il eſt dit deſtre *forjudge* le Court.

Formedon.

FOrmedon eſt un Brief, & giſt lou Tenant en le taile infeoffe un Eſtranger, ou eſt diſſeiſie, & devie; ſon Heire avera Brief de *Formedon* pur recover le Terre. Mes ſont trois Briefs de *Formedon*. Un eſt *en le Deſcender*, & ceo eſt in le caſe avant dit. Auxy ſi un done Terre en le taile, & pur default de iſſue le Remainder a un auter en le taile, & que pur default de tiel iſſue le Terre reverterra al Donor; ſi le primer Tenant en le taile devie ſans iſſue, ceſtuy en le Remainder avera un Brief de *Formedon en le Remainder*. Mes ſi le Tenant en le taile devie ſans iſſue, & ceſtuy en le Remainder auxy devie ſans iſſue, donques le Donor ou ſes heires avera un *Formedon en le Reverter*.

Forſechoke.

FOr*ſechoke* ſemble de ſignifier ſi mult come *forſaken*, en noſtre moderne language: Il eſt eſpecialment uſe *anno* 10 *Ed.* 1. *cap. unico*, pur Terres ou Tenements ſeiſie per le Seignior, pur defalt del Services due a ſon Tenant, & iſſint quiete tent & poſſeſſe paſſe le an & jour.

Founder.

FOunder eſt celuy que uſe le art del Amolir ou diſſolver Metals, & de fair aſcun choſes de eux per jecter en Molds. Semble daver ſon noſme del *Latine* parol *Fundere*,

& eſt mention en le Stat. de 17 R. 2. *cap.* 1.

Fourcher.

FOurcher eſt un deviſe uſe a delayer le Plaintiff ou Demandant en un Suit envers deux, queux a ceo ne ſont de reſponde tanque ils ambideux appeare, & le Appearance ou Eſſoine de un de eux voile excuſer le Defalt del auter a cel jour; & eux agrea, que le un de eux ſolement ſerra eſſoine ou appearera al un jour, & pur default del Appearance del auter, avoir jour ouſter de appearer, & le auter Partie avera meſme le jour; & a ceo jour le auter voile appearer ou eſtre eſſoine, & ceſtuy que devant appearoit ou ſuit eſſoine ne voile donques appeare, pur ceo que il eſperoit daver auter jour pur le Adjournment del partie que donques appiert ou eſt eſſoine. Ceo eſt appel *Fourchery* & en aſcuns caſes le miſchiefe per ceo eſt remedie per le Statute de *Glouceſt. cap.* 10. & *Weſtm.* 1. *cap.* 42.

Foutgeld, ou *Footgeld.*

FOutgeld eſt un parol compound del deux *German* parols, *Fout*, *Pes*, & *Gyldan*, *ſolvere*, & ſignifie un Amerciament pur non abſcinder les Balls des pees de grand Chiens deins le Foreſt. Et de eſtre quit de *Footgeld* eſt de aver privilege de retainer tiels Chiens en le Foreſt ſans puniſhment. *Manwood*, *Foreſt Ley*, *cap.* 25. *num.* 3.

mentioned in the Statute of 17 R. 2. cap. 1.

Fourcher.

FOurcher is a Device uſed to delay the Plaintiff or Demandant in a Suit againſt two, who thereto are not to anſwer till they both appear, and the Appearance or Eſſoin of one will excuſe the other's Default at that Day; and they agree, that the one ſhall be eſſoined or appear one Day, and for lack of the Appearance of the other, have Day over to appear, and the other Party ſhall have the ſame Day; and at that Day the other will appear or be eſſoined, and he that appeared or was eſſoined before will not then appear, becauſe he hoped to have another Day by the Adjournment of the Party who then appeared or was eſſoined. This is called Fourcher, and in ſome Caſes the Miſchief thereby is remedied by the Statute of Glouceſt. cap. 10. and Weſtm. 1. cap. 42.

Foutgeld, *or* Footgeld.

FOutgeld is a Word compounded of two German Words, Fout, Pes, and Gyldan, ſolvere; and ſignifies an Amerciament for not cutting out the Balls of the Feet of great Dogs within the Forreſt. And to be quit of Footgeld is to have a Privilege to keep ſuch Dogs in the Forreſt without Puniſhment. Manwood, Foreſt Law, cap. 25. num. 3.

Fran-

Franchiſe.

FRanchiſe is a French Word, and ſignifies in our Law an Immunity or Exemption from ordinary Juriſdiction; as for a Corporation to hold Pleas within themſelves to ſuch a Value, and the like. See of this in the Old Nat. Brev. fol. 4. a, b.

Franchiſe Royal.

FRanchiſe Royal is, where the King grants to one and his Heirs, that they ſhall be quit of Toll, or ſuch like.

Free Alms.

FRee Alms is, where in antient Times Lands were given to an Abbot and his Covent, or to a Dean and his Chapter, and to their Succeſſors, in pure and perpetual Alms, without expreſſing any Service certain; this is Frank-almoigne; and ſuch are bound before God to make Oraiſons and Prayers for the Donor and his Heirs, and therefore they do no Fealty; and if ſuch as have Lands in Frank-almoigne perform no Prayers nor Divine Service for the Souls of the Donors, they ſhall not be compelled by the Donors to do it, but the Donors may complain to the Ordinary, praying him that ſuch Negligence be no more, and the Ordinary of right ought to redreſs it.

But if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to ſing every Friday a Maſs, or do ſome other Thing; if ſuch Divine Service be not done, the Lord may diſtrain,

Franchiſe.

FR*anchiſe* eſt un parol *Francois*, & ſignifie en noſtre Ley un immunitie ou exemption del ordinarie Juriſdiction; come pur un Corporation de tener Pleas deins eux meſmes a tiel value, &c. Veies de ceo en *Vieux N. B. fol.* 4. *a, b.*

Franches Royal.

FR*anches Royal* eſt, lou le Roy grant al un & a ſes heires que ils ſerra quit de Tolne, vel hujuſmodi.

Frank-almoigne.

FR*ank almoigne* eſt, lou en antient temps Terres fueront dones a un Abbot & ſon Covent, ou a un Deane & a le Chapter, & a lour Succeſſors, en puse & perpetual *Almoigne*, ſans expreſſer aſcun Service certaine; ceo eſt *Frank almoigne*; & ils ſont tenus devant Dieu, de fair Oraiſons & Prayers pur la Donor & ſes Heires, & pur ceo ils ne ferront Fealtie; & ſi tiels que ont Terres en *Frank-almoigne* ne font aſcun Prayers ne Divine Service pur les Ames le Donors, ils ne ſerront per les Donors a ceo compelles, mes les Donors poyent complaine al Ordinarie, luy preyant que tiel negligence ne ſoit pluis avant, & le Ordinarie de droit ceo doit faire.

Mes ſi un Abbe, *&c.* tient Terres de ſon Seignior pur certaine Divine Service deſtre fait, come de chanter cheſcun Vendredie un Maſſe, ou de faire auter choſe certaine; ſi tiel Divine Service ne ſoit

fait, le Seignior poit diſtrein, & en tiel caſe le Abbe doit faire a le Seignior Fealtie: Et pur ceo il neſt pas dit Tenure en *Frank-almoigne*, mes Tenure per *Divine Service*; car nul poit tener en Frank-almoigne, ſi ſoit expreſſe aſcun certain Service.

and in ſuch Caſe the Abbot ought to do Fealty to the Lord: And therefore it is not ſaid Tenure in Frank-almoigne, but Tenure by Divine Service; for none can hold by Frank-almoigne, if any certain Service be expreſſed.

Franke-Bank.

FRanke-Bank ſont Copihold-terres que le feme, eſteant eſpouſe un Virgin, ad apres le mort ſa baron pur ſa Dower, *Kitch. fol.* 102. *Bract. lib.* 4. *tract.* 6. *cap.* 13. *num.* 2. ad ceux parols; *Conſuetudo eſt in partibus illis, quod uxores maritorum defunctorum habeant.* Francum Bancum *de Terris Sackmannorum, & teneant nomine Dotis. Fitzh.* appel ceo un Cuſtome, per que en aſcuns Cities le feme avera touts les Terres de ſa baron pur ſa Dower, *N. B. fol.* 150. Veies *Plow. fol.* 411.

Frank-Bank.

FRank-Bank, or Free Bench, are Copyhold-Lands, which the Wife, being married a Virgin, hath after the Decreaſe of her Huſband for her Dower, Kitch. f. 102. Bract. lib. 4. tract. 6. cap. 13. num. 2. hath theſe Words; There is a Cuſtom in thoſe Parts, that the Wives, their Husbands being dead, ſhould have *Frank Bank* of Lands of Sockmans, and hold it in Name of Dower. Fitz. calls this a Cuſtom by which in ſome Cities the Wife ſhall have all the Lands of her Huſband for Dower, N. B. fol. 150. See Plow. fol. 411.

Franke Chaſe.

FRanke Chaſe eſt un Franchiſe, per que touts homes ayant Terre deins cel compaſſe ſont prohibit de ſuccider le Bois, ou diſcover, *&c.* ſans le view del Forreſter, nient obſtant que ſoit ſon demeſne. *Cromp. Juriſ. f.* 187.

Frank-Chaſe.

FRank-Chaſe is a Liberty, by which all Men having Land within this Compaſs are prohibited to cut down the Wood, or diſcover, &c. without the View of the Foreſter, although it be his own. Cromp. Jur. f. 187.

Franke-Fee.

TEner in *Franke-Fee* eſt, a tener in Fee-ſimple Terres pleadable a la Common Ley, & nient en Ancient Demeſne. *See Reg. Orig. fol.* 12, 14. *Fitz. Nat. Brev. fol.* 161.

Frank-Fee.

TO hold in Frank-Fee, is, to hold in Fee-ſimple Lands pleadable at the Common Law, and not in ancient Demeſne. See Reg. Orig. fol. 12, 14. Fitz. Nat. Brev. fol. 161.

Frank-

Frank-Fold.

FRankfold is where the Lord hath Benefit of folding his Tenants Sheep within his Manor for the Manuring of his Land. Keilw. Rep. 198.

Frank-Law.

FRank-Law: See Cromp. Juſt. of Peace, f. 151. where you may find what this is by the contrary: For he that for an Offence, as Conſpiracy, loſes his Frank-Law, is ſaid to fall into theſe Miſchiefs. Firſt, that he ſhall never be impanelled upon any Jury or Aſſize, or otherwiſe uſed in ſaying any Truth: 2. Alſo, if he have any Thing to do in the King's Court, he ſhall not approach thither in Perſon, but muſt appoint his Attorney: 3. His Lands, Goods and Chattels are to be ſeiſed into the King's Hands, and his Lands muſt be eſtreped, his Trees rooted up, and his Body committed to Priſon.

Free-Marriage.

FRee-Marriage is, when a Man ſeiſed of Land in Fee-ſimple gives it to another Man and his Wife, who is the Daughter, Siſter, or otherwiſe of kin to the Donor in Free-Marriage, by Virtue of which Words they have an Eſtate in ſpecial Tail, and ſhall hold the Land of the Donor quit of all Manner of Services, until the fourth Degree be paſt, accounting themſelves in the firſt Degree, except Fealty, which they ſhall do, becauſe it is incident to all Tenures, ſaving Free-Alms. And ſuch Gift may be made as well after Marriage ſolemnized, as before. As a

Franke-Fold.

FRanke-Fold eſt lou le Seignior avoit benefit de folder les Berbits de ſon Tenants deins ſon Manor pur le manuring de ſon Terre. *Keilw. Rep.* 198.

Franke-Ley.

FRank-Ley: Veies *Cromp. Juſt. de Peace, f.* 151. ou vous poyes troye que ceo eſt per le contrarie: Car celuy que pur un offence, come Conſpiracie, perde ſon *Frank-Ley*, eſt dit de cader en ceux males. 1. Que il ne unques ſerra impanel ſur aſcun Jurie ou Aſſiſe, ou auterment uſe en diſant aſcun voiertie: 2. Auxy ſil ad aſcun choſe a faire en le Court de Roy, il ne la viendra en perſon, mes covient a deſigne ſon Atturnie: 3. Ses Terres, Biens & Chateux ſont deſtre ſeiſie en les maines le Roy, & ſes Terres ſerront eſtreape, ſes Arbres radicate, & ſon Corps commiſe al priſon.

Franke-Marriage.

FRanke-Marriage eſt, quand un home ſeiſie de Terre en Fee-ſimple done ceo al auter home & ſa feme, que eſt file, ſoer, ou auterment de kin al Donor, in *Franke-Marriage*, per vertue de queux parols ils ont un Eſtate en ſpecial tail, & tiendront le Terre del Donor quitte de touts manners des Services, tanque le quart degree ſoit paſſe, accountant eux meſmes en le prime degree; ſi non Fealtie, queux ils ferront, pur ceo que eſt incident a touts Tenures, forſque *Franke-almoigne*. Et tiel Done poit eſtre fait cy-

bien apres Marriage solemnize, come devant. Et home poit donner Terres a son fits en *Franke-Marriage*, cybien come a son Fille, per le opinion de *Fitz.* en son Brief de *Champerte*, H.

Mes il appiert auterment en *Littleton*, & en *Brooke, tit. Franke-Marriage, pla.* 10. Et illint il fuit tenus clere en *Grey's-Inne* en Lent, *An.* 1576. 18 *El.* per M. *Rhodes*, donques Lector la.

But it appears otherwise in Littleton, and in Brooke, tit. Frank-Marriage, pla. 10. And so it was holden clear in Grays-Inn in Lent, An. 1576. 18 Eliz. by M. Rhodes, then Reader there.

Franke-Plege.

FRank-Plege signifie un Plege ou Suretie pur franke homes, solonque le ancient Custom de *Angleterre*, pur preservation del publique Paix. Veies Statute pur *View de Frankpledge*, *Ann.* 18 *Ed.* 2. & Veies *View de Franke-Plege.*

Frank-Pledge.

FRank-Pledge signifies a Pledge or Surety for Free-Men, according to the ancient Custom of England, for Preservation of the publick Peace. See the Statute for View of Frank-Pledge, Anno 18 Ed. 2. and the View of Frank-Pledge.

Franke-Tenement.

FRanke-Tenement est un Estate que home ad en Terres ou Tenements, ou Profit a prender en Fee-simple, tail, pur terme de son vie demesne ou de auter vie, en Dower, ou per le Curtesie de *Angleterre*: Et outh ceo il nest *Franke-Tenement*; car il que ad Estate pur ans, ou tient a volunt, nad nul *Franke-Tenement*, mes ils sont appels *Chatels*.

Et de *Franke-Tenements* il y ad deux sorts, viz. Franke-Tenement en fait, & Franke-Tenement en ley. *Franke-Tenement en fait* est, quand un home ad entre pleins Terres ou Tenements, & est seisie de ceo realment & actualment. Sicome le pere seisie de Terres ou Tenements en Fee-simple devie, & ses fits enter en eux come heir a son

Free-Hold.

FRee-Hold is an Estate that a Man hath in Lands or Tenements, or Profit to be taken in Fee-simple, Tail, for Term of his own or another's Life, in Dower, or by the Courtesie of England: And under that there is no Freehold; for he that hath Estate for Years, or holds at Will, hath no Free-Hold, but they are called Chattels.

And of Free-Holds there are two Sorts, viz. Free-Hold in Deed, and Free-Hold in Law. Free-Hold in Deed is, when a Man hath entred into Lands or Tenements, and is seised thereof really and actually. As if the Father seised of Lands or Tenements in Fee-simple dies, and his Son enters into the same as Heir to his Father, then

then he hath a Free-Hold in Deed by his Entry.

Free-Hold in Law is, when Lands or Tenements are defended to a Man, and he may enter into them when he will, but hath not yet made his Entry in Deed: As in the Case aforesaid, if the Father, being seised of Lands in Fee, die seised, and they descend to his Son, but the Son hath not entred into them in Deed, now before his Entry he hath a Free-Hold in Law.

Freebord.

FRee-Bord in some Places is a Right of claiming a certain Quantity of Land beyond or without the Fence, containing about two Foot and an Half. Mon. Angl. 2 part, fol. 241.

Free-Chapel.

FRee-Chapel by some is said to be a Chapel founded within a Parish for the Service of God by some religious Person, over and above the Mother Church, to which it was free for every Parishioner to come, and is endowed by the Founder; but others (and that more likely) say, that those are only Free-Chapels which are of the Foundation of the King, exempt from the Ordinary's Jurisdiction: But the King may license a Subject to build such a Chapel, and by his Charter may exempt it from the Ordinary's Jurisdiction. See Reg. Orig. 40, 41.

Frenchman.

FRenchman was wont to be used for every Outlandish-man. Bract. lib. 3. Tract. 2. cap. 5. See Englesbery.

pere, donques il ad un *Franke-Tenement en fait* per son Entrie.

Franke-Tenement en Ley est, quand Terres ou Tenements sont discendus al un home, & il poit enter en eux quand a luy pleist, mes nad uncore fait son Entrie en fait: Come en le case avant-dit, si le pere, esteant seisie de Terres en fee, devie seisie, & ils discend a son fits, mes le fits ne ad uncore enter en fait en eux; ore devant son Entrie il ad un *Frank-Tenemens en Ley*.

Freebord.

FRee-Bord en ascun lieus est un droit de claimer un certain quantity de Terre ouster le Fence, contrainant deux pieds & un demie. *Mon. Angl. 2 part, fol. 241.*

Free-Chapel.

FRee-Chapel per ascuns est dit de estre un Chapel foundue deins un Parish pur le Service de Dieu per le liberality de ascun devout Person, ouster le Parish Esglise, a que chescun Parishioner poet resorter, & est endowe per le Founder; Mes auters, (& ceo pluis probablement) dient que ceux sont solement Free-Chapels que sont del Foundation del Roy exempt del Jurisdiction del Ordinary: Mes le Roy poet licenser un Subject de erecter tiel Chapel, & per son Charter exempter ceo del Jurisdiction del Ordinary, Veies *Reg. Orig. 40, 41.*

Frenchman.

FRenchman fuit ule pur chescun estrein Alien. *Bract. l. 3. Tract. 2. c. 5.* Veies *Englesbery.*

Frend

Frendleſs Man.

FRendleſs Man fuit le veil Saxon parol pur luy que nous appellomus un Outlaw; *nam forisfecit Amicos ſuos. Bract. lib. 3. Tract. 2. cap. 12.*

Freſh Force.

FReſh Force (*Friſca Forcia*) eſt un Force commiſe deins aſcun Citie ou Borough, come per Diſſeiſin, Abatement, Intruſion, ou Deforcement des aſcuns Terres ou Tenements deins le dit Citie ou Borough. Pur redreſſer de quel tort, ceſtui que droit ad poit per le Uſage del dit Citie ou Borough aver ſon remedie ſans Brief, per un Aſſiſe ou Bill de *Freſh Force* port deins 40 jours apres le Force commiſe, ou Title a luy accrue. En quel Action il poit faire ſon proteſtation de ſuer en le nature de quel Brief que il voit. Et veies pur ceo matter *Fitzh. N. B. f. 7. C. & Vieux N. B. f. 4. a.*

Freſh Suit.

FReſh Suit eſt, quand un home eſt robbe, & le partie iſſint robbe purſua le Felon immediatement, & luy priſt ove le manner, ou autrement, & donques port un Appeale envers luy, & luy convince del Felonie per Verdict; le quel choſe eſteant enquire pur le Roy & trove, le partie robbe avera reſtitution de ſes biens arere.

Item il poit eſte dit que le partie fait *Freſh Suit*, nient obſtant que il ne priſt le Felon preſentment, mes que il ſoit demy an ou un an apres le Robberie fait devant que il

Frendleſs Man.

FRendleſs Man was the old Saxon Word for what we call an Outlaw; nam forisfecit Amicos ſuos. Bracton, Lib. 3. Tract. 2. cap. 12.

Freſh Force.

FReſh Force (Friſca Forcia) is a Force committed in any City or Borough, as by Diſſeiſin, Abatement, Intruſion, or Deforcement of any Lands or Tenements within the ſaid City or Borough. For the Redreſſing of which Wrong, he that hath Right may by the Uſage of the ſaid City or Borough have his Remedy without Writ, by an Aſſiſe or Bill of Freſh Force brought within forty Days after the Force committed, or Title to him accrued. In which Action he may make his Proteſtation to ſue in the Nature of what Writ he will. And ſee for this Matter Fitz. Nat. Brev. f. 7. c. and Old N. B. f. 4. a.

Freſh Suit.

FReſh Suit is, when a Man is robbed, and the Party ſo robbed follows the Felon immediately, and takes him with the Manner, or otherwiſe, and then brings an Appeal againſt him, and doth convict him of the Felony by Verdict; which Thing being enquired of for the King, and found, the Party robbed ſhall have Reſtitution of his Goods again.

Alſo it may be ſaid, that the Party made Freſh Suit, although he take not the Thief preſently, but that it be half a Year or a Year after the Robbery done before he be taken; if ſo be the

Party

Party robbed do what lies in him, by diligent Enquiry and Search, to take him; yea, although he be taken by some other Body, yet this shall be said Fresh Suit.

Fresh Suit is also, when the Lord comes to distrain for Rent or Service, and the Owner of the Beasts makes Rescous, and drives them into another's Ground not holden of the Lord, and the Lord follows presently and takes them. And so in other like Cases.

Friperer.

FRiperer is a Word used in the Statute of 1 Jac. c. 21. for a kind of Broker. And it seems to be a Word taken from the French Word Fripier, to trick up old Things; and therefore a Friperer is one that uses to dress old Clothes to sell again.

Frumgyld.

FRumgyld is an old Saxon Word, which signifies the first Payment made to the Kindred of a slain Person, in Recompence of his Murder, L. L. Edmundi, c. ult.

Fryth.

FRyth signifies a Plain between two Woods, and so is used in Dooms-Day.

Fugitives Goods.

FUgitives Goods are the proper Goods of him that flies upon felony, which, after the Flight lawfully found, do belong to the King. Co. lib. 6. f. 109. b.

soit prise; si soit issint que le partie robbe fait tant que en luy est per diligent enquirie & search, de luy prender; & nient obstant que il est prise per un auter home, uncore ceo serra dit *Fresh Suit*.

Fresh Suit est auxy, quand le Seignior vient pur distrein pur Rent ou Service, & le Owner des Beasts fait rescous, & enchase eux en auters Terres que nest tenus del Seignior, & le Seignior ensue presentment, & repriſt eux. Et issint en auter semblables cases.

Friperer.

FR*iperer* est un parol use en le Statute de 1 *Jac.* c. 21. pur un sort des Brokers. Et semble destre un parol prise del *Francois Fripier*, Interpolare; & pur ceo un *Friperer* est un que use de Polir vieux Vestiments pur vender arere.

Frumgyld.

FR*umgyld* est un veil *Saxon* parol, que signifie le prime Payment fait al kindred de un person occise, en recompence de son Murder. *L. L. Edmundi c. ult.*

Fryth.

FR*yth* signifie un Plain deins deux Boscs, & issint est use en Dooms-day.

Fugitives Biens.

FU*gitives Biens* sont les proper Biens de luy que fue sur Felonie, le quel, apres le Flight loyalment trove, appertein a Roy. *Coke, lib. 6. fol. 109. b.*

Gable.

G.

Gable.

Gable, Gablum, est en ancient Records un vieux parol que signifie un Rent, Durie, Custome, ou Service yield ou fait al Roy ou ascun auter Seignior. Veies le Comment in *Littl. fol.* 142. *a.*

Gager de Deliverance.

Gager de Deliverance est, lou un sua Replevin de biens prise, mes il ne ad Deliverie des biens, & le auter avowa, & le Plaintiff monstra que le Defendant est uncore possesse des biens, *&c.* & pria que Defendant *gagera Deliverance*; donques il mittera eins Suretie ou Plege pur le Redeliverance, & un Brief issera al Viscount pur redeliverer les biens, *&c.* Mes si home claime propertie, il ne *gagera Deliverance.*

Auxy sil dit que le Avers sont morts en le Pound, il ne *gagera*, &c.

Auxy home ne *gagera* jammes *le Deliverance* avant que ils soient a Issue, ou Demurrer en Ley, ut dicitur.

Gainage.

Gainage (*Wainagium*) semble de tener del parol *Francois Gaignage*, id est, Questus sive Lucrum; mes en nostre Ley il signifie le Profit plus properment que venust

G.

Gable.

Gable, Gablum, in antient Records is an old Word that signifies a Rent, Duty, Custom, or Service yielded or done to the King, or any other Lord. See the Comment upon Littl. fol. 142. a.

Gager de deliverance.

Gager de Deliverance is, where one sues a Replevin of Goods taken, but he hath not the Goods delivered, and the other avows, and the Plaintiff shews that the Defendant is yet possessed of the Goods, &c. and prays, that the Defendant may gage the Deliverance; then he shall put in Surety or Pledges for the Redeliverance, and a Writ shall go forth to the Sheriff to redeliver the Goods, &c. But if a Man claim Property, he shall not gage Deliverance.

And if he say that the Beasts are dead in the Pound, he shall not gage, &c.

Also a Man shall never gage the Deliverance before they are at Issue, or Demurrer in the Law, as it is said.

Gainage.

Gainagium (Wainagium) seems to come from the French Word Gaignage, id est, Gain or Profit; but in our Law it signifies the Profit most properly that comes by the Tillage of Land.

Land. And therefore in the Statute of Mag. Chart. c. 14. it is enacted, that a Villain ſhall be amerced, ſaving his Gainage; and in Weſt. 1. c. 6. ſaving his Gainage; and in c. 17. it is enacted, that he that deſtroyes any of the Deliverances of the Beaſts by Replevin, ſhall render unto the Plaintiff his double Damages which he hath ſuſtained in the Beaſts, or in his Gainage diſturbed, &c. And by the Statute of Diſtreſs of the Exchequer made in 51 H. 3. it is enacted, that no Man of Religion, or other, ſhall be diſtrained by the Beaſts that gain his Land.

Galli-halpens.

GAlli halpens were a certain Coin prohibited by the Stat. An. 3 H. 5. c. 1.

Gaol.

GAol, or Gayle, comes of the French Word Geole, which ſignifies a Cage for Birds; but metaphorically is uſed for a Priſon. And from thence the Keeper of the Priſon is called a Gaoler or Gayler.

Garbe.

GArbe comes of the French Garbe or Gerbe, which ſignifies a Bundle or Sheaf. This Word is uſed in the old Statute, called Charta de Foreſta, cap. 7. where Herbas in the Latin is tranſlated Garbe in Engliſh.

Garble.

GArble is to ſort and chuſe the good from the bad, as the Garbling of the Bow-Staves, An. 1 R. 3. c. 11. and the Garbling of Spice is Nothing elſe but to purifie it from the Droſs

del Tillage del Terre. Et pur ceo en le Statute de *Mag. Chart. c.* 14. eſt enact, que un Villain ſerra amerce ſalvo *Wainagio* ſuo; & en *Weſt. 1. c. 6.* ſave ſon *Gainage*; & *c.* 17. eſt enact, Que celuy que deforce aſcun del deliverance des Avers per Replevin, rendra al Plaintiff le double des dammages queux il ad receive de ſes Avers, ou de ſon *Gainage* diſturbe, *&c.* Et per le Statute de diſtrictione Scaccarii fait en 51 *H.* 3. eſt enact, que nul home de Religion ou auter ſerroit diſtreine per les Avers que *gaine* ſon Terre.

Galli-halpens.

G*Alli-halpens* fueront certain Coin prohibit per le Stat. *Anno* 3 *H.* 5. *c.* 1.

Gaole.

G*Aole*, ou *Gayle*, venuſt de parol *Francois Geole*, id eſt *Cavecla*, mes metaphorice eſt uſe pur un Priſon. Et de ceo le Gardian del Priſon eſt appel un *Gaoler*, ou *Gayler*.

Garbe.

G*Arbe* venuſt del *Francois Garbe* ou *Gerbe*, id. eſt, Faſcis. Ceſt parol eſt uſe en le vieux Stat. appel *Charta de Foreſta*, *c.* 7. lou *Herbas* en le *Latine* eſt translate *Garbe* en *Anglois*.

Garble.

G*Arble* eſt de ſorter & ſelecter le bone choſe de le male; come le Garbling de Bow-ſtaves, *An.* 1 *R.* 3. *c.* 11. & le Garbling de Spice eſt riens auter forſque de Purifie

ceo

ceo del Droſſe ove que il eſt mixte. Veies de ceo a large en le Statute 1 *Jac.* c. 19. & 21 *Jac.* c. 19.

with which it is mixed. See of that at large in the Statute of 1 Jac. c. 19. and 21 Jac. c. 19.

Garde.

Garde eſt, quand un Enfant quel Anceſtor tient per Service de Chivalry, eſt en le Gard & Cuſtodie de le Seignior de que ils fueront tenus. Et ſi le Tenant tient de divers Seigniors divers Terres, celuy Seignior de que il tient per prioritie, ceſtaſcavoir, per le pluis ancient Tenure, avera le Gard: Mes ſi un Tenure ſoit auxy ancient que le aut', donques celuy que primes gaine le Gard de le Corps gardera ceo: Mes cheſcun Seignior avera le Gard del Terre que eſt tenus de luy. Et ſi le Tenant tient aſcun Terre del Roy en chief, le Roy per ſon Prerogative avera le Gard del Corps, & de tout le Terre que eſt tenus de luy, & de cheſcun auter Seignior.

Auxy ſont divers Briefs de Gard. Un eſt *Brief de Droit de Gard*, & giſt lou le Tenant devie, ſon Heire deins age, & un Eſtranger entra en le Terre, & happa de aver le Gard le Corps de l' Enfant.

Brief de *Ejectment de Gard* giſt, lou home eſt ouſte de le Gard de Terre, ſans le Corps de le Enfant.

Brief de *Raviſhment de Gard* giſt, lou le Corps eſt priſe de luy ſolement, & nient le Terre.

Mes veies le Stat. 12 *Car.* 2. c. 24. pur Aboliſhing le Court del *Wards*, &c.

Gard.

GArd, or Ward, is, when an Infant, whoſe Anceſtor held by Knight-Service, is in the Ward or Keeping of the Lord of whom thoſe Lands were holden. And if the Tenant hold of divers Lords, divers Lands, the Lord of whom the Land is holden by Priority, that is, by the more elder Tenure, ſhall have the Wardſhip: But if one Tenure be as old as the other, then he that firſt gets the Ward of the Body ſhall keep it: But every Lord ſhall have the Ward of the Land that is holden of him. And if the Tenant hold any Land of the King in chief, he by his Prerogative ſhall have the Ward of the Body, and of all the Land that is holden of him, and of every other Lord.

Alſo there are divers Writs of Ward. One is a Writ of Right of Ward, and that lies where the Tenant dies, his Heir within Age, and a Stranger enters into the Land, and happens to have the Ward of the Body of the Infant.

A Writ of Ejectment of Ward lies, where a Man is put out of the Ward of the Land, without the Body of the Infant.

A Writ of Raviſhment of Ward lies, where the Body is taken from him only, and not the Land.

But ſee the Statute 12 Car. 2. c. 24. for Aboliſhing the Court of Wards, &c.

Gardien

Gardian.

GArdian, or Warden moſt properly, is he that hath the Wardſhip or keeping of an Heir, and of his Land holden by Knight's Service, or one of 'em, to his own Uſe, during the Nonage of the Heir; and within that Time hath the Beſtowing of the Body of the Heir in Marriage at his Pleaſure, without Diſparagement.

And of Wardens there are two Sorts; namely, Gardian in Right, and Gardian in Deed.

Gardian in Right is he that by Reaſon of his Seigniory is inveſted of the Wardſhip or Keeping of the Land and Heir, during his Nonage.

Gardian in Deed is, where the Lord after his Seiſin, as aforeſaid, grants by Deed, or without Deed, the Wardſhip of the Land, or Heir, or both, to another, by Force of which Grant the Grantee is in Poſſeſſion: The Grantee is called Gardian in Deed.

And this Gardian in Deed may grant the Heir to another alſo: But that other is not properly called Gardian in Deed, but Grantee of the Gardian in Right only.

But the Gardian in Socage hath the Profit only to the Uſe of the Heir, until he accompliſh the Age of 14 Years, and muſt yield therefore an Account to the Heir. See more hereof, Littleton, lib. 2. cap. 4, & 5. and Staundford upon the Statute of Prerogat. cap. 1, 2, & 6.

Gardein.

G*Ardein*, ou *Wardein*, plus properment, eſt celuy que ad le Gard ou Cuſtodie de un Heire, & de ſon Terre tenus per Service de Chivalrie, ou de un de eux, a ſon uſe demeſne, durant le Nonage del Heire; & deins ceſt temps ad le beſtowing del Corps del Heire en Marriage al ſon vol', ſans diſparagement.

Et de Gardeins il y ad deux ſorts; noſmement, Gardein en Droit, & Gardein en Fait.

Gardein en Droit eſt celuy que per reaſon de ſon Seigniorie eſt ſeiſie del Gardſhip ou cuſtodie del Terre & del Heire, durant le Nonage del Heire.

Gardein en Fait eſt, lou le Seignior apres ſon Seiſin, come avant dit, granta per Fait, ou ſans Fait, le Gardſhip del Terre, ou del Heire, ou de ambideux, a un auter, per force de quel Grant le Grantee eſt en poſſeſſion: Le Grantee eſt appel *Gardein en Fait.*

Et ceſt Gardein en Fait poit grant le Heire al auter auxy: Mes ceſt auter neſt properment appel Gardein en Fait, mes *Grantee del Gardein en Droit ſolement.*

Mes le Gardein en Socage ad le profit ſolement al uſe del Heire, jeſque il ad accompliſh le age de 14 ans, & rendra pur ceo account al Heire. Vide pluis de ceo, *Littl lib.* 2. *cap.* 4 *&* 5. & *Staundford.* ſur Stat. de *Prerog. cap.* 1, 2, *&* 6.

Gardeins

Gardein des Cinque Ports.

Gardein ou *Warden des Cinque Ports* eſt un principal Officer que avoit Juriſdiction de ceux Havens en le Orient part de *Engleterre*, l communement appel *les Cinque Ports*, i. e. *Haſtings, Romney, Hyth, Dover* and *Sandwich*, & il avoit tout cel Juriſdiction que le Seigneur Haut Admiral avoit en lieus nient exempt.

Gardeins del Eſgliſe.

Gardeins del Eſgliſe ſont Officers elects en chescun Paroiſſe, pur aver le care & cuſtodie des biens del Eſgliſe, & ils poient aver un Action pur les biens del Eſgliſe, & divers autres choſes ils poient faire pur le benefit le Eſgliſe; & per le Statute de 43 *El. cap.* 2. ils doient joinder ovesque les Surveyors en le feasance des Rates & autres proviſions pur les Povres del Paroiſſe.

Gardein des Spiritualties.

Gardein des Spiritualties per la general Ley eſt le Deane & Chapter del Dioceſſe, ſi ne ſoit un cuſtome que le Archiveſque del Province ſoit le Gardein ſede vacante: Son Office eſt a tener Court, prover Teſtaments, granter Adminiſtrations & a ſupplie le lieu del Eveſque.

Garniſhment.

Garniſhment: Sicome un Action de Detinue des Charters eſt port vers un, & le Defendant dit, que les

Garden of the Cinque Ports.

GArden or Warden of the Cinque Ports is a principal Magiſtrate, that hath Juriſdiction of thoſe Havens in the East Part of England, commonly called, The Cinque Ports, i. e. Haſtings, Romney, Hyth, Dover and Sandwich, and he hath all that Juriſdiction which the Lord High Admiral of England hath in Places not exempt.

Church-Wardens.

CHurch-Wardens are Officers choſen in every Pariſh to have the Care and Cuſtody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other Things they may do for the Benefit of the Church; and by the Statute of 43 Eliz. cap. 2. they are to join with the Overſeers for the making of Rates and other Proviſions for the Poor of the Pariſh.

Gardian of the Spiritualties.

GArdian of the Spiritualties, by the general Law is the Dean and Chapter of the Dioceſs, unleſs there be a Cuſtom that the Archbiſhop of the Province ſhould be the Gardein, ſede vacante: His Office is to hold Courts, prove Wills, grant Adminiſtrations, and ſupply the Biſhop's Room.

Garniſhment.

GArniſhment: If an Action of Detinue of Charters be brought againſt one, and the Defendant ſaith, that the Charters

ters were delivered to him by the Plaintiff and by another upon certain Conditions, and prays that the other may be warned to plead with the Plaintiff, if the Conditions be performed or no, and thereupon a Writ of Scire facias shall go forth against him; this is called Garnishment: And the other, when he comes, shall plead with the Plaintiff; and that is called Enterpleader.

Garranty.

GArranty is, when one is bound to another who hath Land, to warrant the same to him, which may be two Ways: That is, by Act of Law: As if one and his Ancestors hath held Land of another and his Ancestors, Time out of Mind, by Homage, which is called Homage Auncestrel: Or by Deed of the Party, who grants by Deed or Fine to the Tenant of the Land to Warrant it to him; upon which, if the Tenant be impleaded by him who ought to warrant or his Heirs, the Tenant shall bar the Demandant by pleading the Warranty against him, which is called Rebutter; or if he be impleaded by another in an Action wherein he may vouch, he shall vouch him who warranted, or his Heirs, and if the Plaintiff recover, the Tenant shall recover in Value against the Vouchee.

Warranty is of three Sorts; that is, Warranty Lineal, Warranty Collateral, and Warranty that begins by Disseisin.

Warranty Lineal is, where a man seised in Fee or in Tail, makes a Feoffment to another, and binds him and his Heirs to Warranty, and hath Issue a Son, and dies, and the Warranty

Charters fueront deliver a luy per le Plaintife & per un auter ſur certaine Conditions, & prie que le auter ſoit garnie de pleader ove le Plaintife, ſi les Conditions ſont perimple, ou nemy, & ſur ceo un Brief de *Scire facias* iſſera vers luy; ceo eſt appel *Garniſhment*; & le auter quand il vient eins pledera ove le Plaintife; & ceo eſt appel *Enterpleader*.

Garranty.

G*Arranty* eſt, quand un eſt lie al auter que ad Terre, de *garrant* le meſme a luy; le quel poit eſtre per deux meanes: Ceſtaſcavoire per *Act del Ley*: Come ſi un & ſes Anceſtors ont tenus Terre del auter & ſes Anceſtors per temps dont memorie ne court per Homage que eſt appelle *Homage Auncestrel*: Ou per le *Act del partie*, que grant per fait ou Fine al Tenant del Terre de *garrant* ceo a luy; ſur quel ſi le Tenant ſoit impleade per luy que doit garrant ou ſes heires, le Tenant barra le demandant per pleader de *Garranty* vers luy, que eſt appel *Rebutter*, ou ſi ſoit emplede per auter en Action en que il poit vouch, il vouchera ceſtuy que garrante, ou ſes Heires, & ſi le Plaintiff recover, le Tenant recovera en value vers le Vouchee.

Garrantie eſt en trois manners; ceſtaſcavoire, *Garrantie Lineal*, *Garrantie Collateral*, & *que commence per Diſſeiſin*.

Garrantie Lineal eſt, lou home ſeiſie en fee, ou en tail fait Feoffment a un auter, & oblige luy & ſes heires a *Garrantie*, & ad iſſue fitz, & moruſt, & le Garrantie diſcend

a ſon fitz. Car ſi nul Fait ove Garrantie uſt eſte fair, donques le droit des Terres diſcenderoit al fitz, come Heire a ſon pere, & il conveieroit le Diſcent de le pere a le fitz.

Mes ſi Tenant en le tail diſcontinua le tail, & ad iſſue, & devie, & le Uncle del iſſue releſſa al Diſcontinuee ove Garrantie, &c. & moruſt ſans iſſue; ceo eſt *Collateral Garrantie* al iſſue en le tail, pur ceo que le Garrantie diſcend ſur le iſſue, le quel ne poit ſoy conveyer a le tail per le mean de ſon Uncle.

Et en cheſcun caſe lou home demanda Terres en Fee-tail per Brief de *Formedon*, ſi aſc' Anceſtor del iſſue en le tail fait un *Garrantie*, & ceſtuy que ſue le Brief de *Formedon*, per poſſibilitie del matt' que puiſſoit eſtre fait, convey a luy Title per force del ſon done que fiſt le Garrantie, &c. ceo eſt donques un *Lineal Garrantie*, per quel le iſſue en le tail ne ſerra barre, ſinon que il ad Aſſets a luy deſcendus en Fee-ſimple. Mes ſi il ne poit per aſc' poſſibilitie convey a luy Title per force del Done de celuy que fiſt le Garrantie, donques ceo eſt un *Collateral Garrantie*, & per la le iſſue en le tail ſerra barre ſans aſcuns Aſſets. Et le cauſe que tiel *Collateral Garrantie* eſt un Barre al iſſue en le tail eſt, pur ceo que toutes Garranties, devant le Statute de *Glouceſter*, queux diſcendant a ceux queux ſont Heires a ceux que feſoient les Garranties, fueront Barres a meſme les Heires a demander aſc' Terres forſpriſe les Garranties que commence per deſcends to his Son. For if no Deed with Warranty had been made, then the Right of the Lands ſhould have deſcended to the Son, as Heir to his Father, and he ſhall convey the Deſcent from the Father to the Son.

But if the Tenant in Tail diſcontinues the Tail, and hath Iſſue, and dies, and the Uncle of the Iſſue releaſes to the Diſcontinuee with Warranty, &c. and dies without Iſſue; this is a Collateral Warranty to the Iſſue in Tail, for that the Warranty deſcends upon the Iſſue, who may not convey himſelf to the Tail by mean of his Uncle.

And in every Caſe where a Man demands Lands in Fee-tail by Writ of Formedon, if any Anceſtor of the Iſſue in Tail makes a Warranty, and he that ſues a Writ of Formedon, by Poſſibility of Matter that may be done, conveys to him Title by Force of his Gift that made the Warranty, &c. that is then a Lineal Warranty, whereby the Iſſue in Tail ſhall not be barred, except he have Aſſets to him deſcended in Fee-ſimple. But if he may not by any Poſſibility convey to him Title by Force of his Gift that made the Warranty, then that is a Collateral Warranty, and thereby the Iſſue in the Tail ſhall be barred without any Aſſets. And the cauſe that ſuch Collateral Warranty is a Bar to the Iſſue in the Tail is, for that all Warranties, before the Statute of Glouceſter, which deſcended to thoſe who are Heirs to the warrantors, were Barrs to the ſame Heirs to demand any Lands, except the Warranties that began by Diſſeiſin; and for that the ſaid Statute hath ordained,

That

That the Warranty of the Father ſhall be no Bar to his Son for the Lands which come by the Heritage of the Mother, nor the Warranty of the Mother ſhall be no Bar to the Son for the Lands which come by the Heritage of the Father, and neither the Stat. 11 H. 7. cap. 20. nor any other Statute, hath ordained any Remedy againſt any other Collateral Warranty; therefore ſuch Warranty is yet in Force, and ſhall be a Bar to the Iſſue in Tail, as it was before the Statute.

And it behoves that every Warranty, whereby the Heir ſhall be barred, diſcend by Courſe of the Common Law to him who is Heir to the Warrantor; elſe it ſhall be no Bar: For if the Tenant in Tail of Lands in Borough-Engliſh, where the youngeſt Son ſhall inherit by the Cuſtom, diſcontinues the Tail, and hath Iſſue two Sons, and the Uncle releaſes to the Diſcontinuee with Warranty, and dies, and the younger Son brings a Formedon; yet he ſhall not be barred by ſuch Warranty, cauſa qua ſupra. And if any Man make a Deed with Warranty, whereby his Heir ſhould be barred, and after the Warrantor be attaint of Felony; his Heir ſhall not be barred by ſuch Warranty, for that ſuch Warranty cannot diſcend upon him, the Blood being corrupt.

Warranty beginning by Diſſeiſin is, if the Son purchaſe Lands, and lett them to his Father for Years, and the Father by his Deed infeoffs a Stranger, and binds him and his Heirs to Warranty, and Diſſeiſin; & pur ceo que le dit Statute ad ordaine, Que le Garrantie del Pere ne ſerra Barre a ſon Fits pur les Terres que veigne del heritage le Mere, ne le Garrantie de le Mere ne ſerra Barre al Fits pur les Terres que veigne del heritage del Pere; & le Statute de 11 *Hen.* 7 *cap.* 20. & nul de les Statutes, ad ordaine aſcun remedie encounter aſc' auter *Collateral Garrantie*; ideo tiel Garrantie eſt uncore en ſa force, & ſerra Barre al iſſue en le taile, come il fuit devant le Statute.

Auxy il covient que touts Garranties, per que aſcun Heire ſerra barre, diſcend per courſe del Common Ley a celuy que eſt Heire a Garrantor; ou auterment il ne ſerra barre: Car ſi le Tenant en le Tail des Terres en Borough-Engliſh, lou le puiſne fits inheritera per le Cuſtome, diſcontinua le taile, & ad iſſue deux fits, & le Uncle releſſa al Diſcontinuee ove Garrantie, & devie, & le puiſne fits port *Formedon*; uncore il ne ſerra barre per tiel Garrantie, *cauſe qua ſupra*. Auxy ſi aſcun home fait un Fait ove *Garrantie*, per quel ſon Heir ſerroit barre, & celuy que fiſt le Garrantie ſoit attaint de Felonie; ſon Heire ne ſerra barre per tiel Garrantie, pur ceo que tiel Garrantie, ne puit diſcender ſur luy, le ſanke eſteant corrupt.

Garrantie commenceant per Diſſeiſin eſt, ſi le fits purchaſe Terres; & leſſa les Terres a ſon pere pur ans, & le pere perſon Fait de ceo enfeoffa un eſtrang' & oblige luy & ſes heires a Garrantie, & le pere

devie, per quel le Garrantie discend al fits, uncore ceſt Garrantie ne barrera my le fits, mes le fits bien poit ent' nient obſtant, pur ceo que ceſt *Garrantie commençaſt per Diſſeiſin*, quant le pere fiſt le Feoffment, que fuit un Diſſeiſin al fits. Et come eſt dit de Pere, iſſint poit eſtre dit de cheſc' aut' Anceſtor. Et meſme le ley eſt, ſi l' Anceſtor ſoit Tenant per *Elegit*, ou per Statute-Merchant, & fait aſcun Feoffment ove Garrantie, tiels Garranties ne ſerront Barres, pur ceo que ils commenceont per Diſſeiſin.

the Father dies, whereby the Warranty deſcends to the Son; yet this Warranty ſhall not bar the Son, but the Son may well enter notwithſtanding, becauſe this Warranty began by Diſſeiſin, when the Father made the Feoffment, which was a Diſſeiſin to the Son. And as it is ſaid of the Father, ſo it may be ſaid of every other Anceſtor. And the ſame Law is, if the Anceſtor be Tenant by Elegit, or by Statute-Merchant, and make a Feoffment with Warranty, ſuch Warranties ſhall be no Bars, becauſe they begin by Diſſeiſin.

Garrantie des Charters.

G*Arrantie des Charters* eſt un Brief quel giſt lou aſc' Fait eſt fait que comprehende clauſe de Garrantie, ceſtaſcavoire, *Dedi* ou *Conceſſi*, ou ceſt parol *Warrantizabo*: & ſi le Tenant ſoit implead per un Eſtrang' en Aſſiſe ou tiel Acc' lou il ne poit vouch a Garrantie, donques il avera ceſt Brief vers ſon Feoffor ou ſon Heir; & ſi le Terre ſoit recover vers luy, il recovera tant del Terre en value vers ceſtuy que fiſt le Garrantie. Mes ceſt Brief covient eſtre ſue pendant le primer Brief vers luy, auterment il ad perde ſon advantage.

Auxy ſur Garrantie en Ley, come ſur Homage aunceſtrel, ou ſur Rent reſerve ſur Leaſe de vie, ou Done en le tail, home avera Brief de Garrantie de Charters, mes nemy ſur Eſcuage.

Garranty of Charters.

GArranty of Charters, is a Writ that lies where any Deed is made that comprehends a Clauſe of Warranty, that is to ſay, Dedi or Conceſſi, or this Word Warrantizabo; and if the Tenant be impleaded by a Stranger in Aſſiſe or ſuch Action where he may not vouch to Warranty, then he ſhall have this Writ againſt his Feoffor or his Heir; and if the Land be recovered againſt him, he ſhall recover as much Land in Value againſt him that made the Warranty. But this Writ ought to be ſued depending the firſt Writ againſt him, elſe he hath loſt his Advantage.

Alſo upon a Warranty in the Law, as upon Homage aunceſtrel, or upon Rent reſerved upon a Leaſe for Life, or a Gift in the Tail, a Man ſhall have a Writ of Warrantia Chartæ, but not upon Eſcuage.

Garrantie

Garrantie del jour.

GArrantie del jour. See for that Warrantia diei.

Garter.

GArter in French Jartier, ſignifies in divers Statutes and elſewhere a ſpecial Garter, being the Enſign of a Noble Order called Knights of the Garter, Camden, pag. 211.

Garth.

GArth is a little Back-ſide or Cloſe in ſome Parts of England. Alſo a Dam or Wear in a River for the catching of Fiſh, vulgarly called a Fiſh-Garth.

Gavel.

GAvel ſignifies Tribute, Toil, Cuſtom, annual Rent or Revenue; of which there were ſeveral ſorts, as Gavel Corn, Gavel Malt, Gavel Fodder, &c.

Gavelet.

GAvelet is a ſpecial and ancient Kind of Ceſſavit, uſed in Kent, where the Cuſtom of Gavelkind continues, whereby the Tenant ſhall forfeit his Lands or Tenements to the Lord of whom they are holden, if he withdraw from his Lord his due Rent and Services, after this Manner:

If any Tenant in Gavelkind withhold his Rent and Services of the Tenement he holds of his Lord, let the Lord ſeek by the Award of his Court, from three Weeks to three Weeks, to find ſome Diſtreſs upon the Tenement until the fourth Court, always with Witneſſes. And if within that Time he can find no Diſtreſs on that Tenement, whereby he may have Juſtice of his Tenant, then at the fourth Court let it

Garrantie del jour.

G*Arrantie del jour.* Veies pur ceo *Warrantia diei.*

Garter.

G*Arter*, in *Francois* ſignifie en divers Statutes & autres lieus un ſpecial Garter, eſteant le Enſeign de un grand Order appel *Chivaliers del Garter. Camden, pag.* 211.

Garth.

G*Arth* eſt un petit Back-ſide ou Cloſe en aſcuns lieus de Angletere. Auxi un Dam ou Wear en aſcun River pur le ameſner de Piſon.

Gavel.

G*Avel* ſignifie Tribute, Toll, Cuſtom, annual Rent ou Revenue, de queux fueront divers ſorts, Gavel Corn, Gavel Malt, Gavel Fodder, *&c.*

Gavelate.

G*Avelate* eſt un ſpecial & antient kind de *Ceſſavit*, uſe en *Kent*, lou le Cuſtome de *Gavelkind* continue, per quel le Tenant forfeitera ſes Terres & Tenements al Seigniour de que ils ſont tenus. ſil deteine de ſon Seigniour ſes due Rents & Services, ſolonque ceſt manner.

Si aſcun Tenant en *Gavelkind* retain ſa Rent & ſes Services de le Tenement qui il tient de ſon Seigniour, querge le Seigniour per agarde de ſa Court, de trois ſemaignes en trois ſemagines, de trover Diſtreſſe ſur cel Tenement jeſque a le quart Court, a touts foits per Teſtmoignes. Et ſi deins cel temps ne trove Diſtreſſe en cel Tenement, per queux il puiſſe ſon Tenant juſtifier, donques a

la quart Court ſoit agarde, que il preigne cel Tenement en ſa maine en noſme de Diſtreſſe, auxy come fuit Boefe ou Vache, & le tient un an & un jour en ſa maine ſans mainoverer: deins quel terme ſi le Tenant vient, & rende ſes arrearages, & fait reaſonable amends de la reteigner, adonque eyt & enjoy ſont Tenement, ſicome ſes Aunceſtors & luy avant tiendront: & ſil ne vient devant l' an & le jour paſſe, donque aler' le Seigniour al prochein County-Court ſuivant, ove Teſtmoignes de ſa Court, & face la pronuncer cel Proceſſe pur Teſtmoignage aver; & per agard de ſa Court (apres ceo County tenus) ent' & mainovera en cels Terres & Tenements ſicome in ſon demeſne.

Et ſi le Tenant vient apres, & voile re-aver ſes Tenements, & tener ſicome il fiſt devant, face Agree al Seigniour, ſi come il eſt antientment dit.

Nigheſith ſolde, & negheſith gelde, & v. li. for the Were, er he become Healder. Vide de ceo 10 *Henrie* 3. *Fitzherbert, Ceſſavit* 60. & Statute 10 *Edward* 2. de *Gavelet* en *London*, en le Collection del Statutes, *London* 2. matter tendant mult a cel purpoſe, que pur cel parol *Gavelet* le Seigniour avera le Terre pur ceſſer le Tenant. Et veies *Weſtmonaſt.* 2. *cap.* 21. que done *Ceſſavit.*

Il y ad aſcuns Copies que ad le primer Verſe iſſint eſcript;

be awarded, that he takes that Tenement into his Hand in Name of a Diſtreſs, as if it were an Ox or Cow, and let him keep it a Year and a Day in his Hand without manuring it: Within which Term, if the Tenant come and pay his Arrearages, and make reaſonable Amends for the with-holding, then let him have and enjoy his Tenement, as his Anceſtors and he before held it: And if he do not come before the Year and Day paſt, then let the Lord go to the next County-Court with his Witneſſes of his own Court, and pronounce there this Proceſs to have farther Witneſſes; and by the Award of his Court (after the County-Court holden) he ſhall enter and manure in thoſe Lands and Tenements as in his own.

And if the Tenant come afterward, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord, according as it is anciently ſaid.

Hath he not ſince any Thing given, nor hath he not ſince any Thing payed? then let him pay v. li. for his Were, before he become Tenant or Holder again. See hereof 10 H. 3. Fitzh. Ceſſavit 60. and Stat. 10 Ed. 2. of Gavelet in London, in the Collection of Statutes, London 2. Matter much tending to this Purpoſe, that by this Word Gavelet, the Lord ſhall have the Land for the ceaſing of the Tenant. And See Weſtem. 2. cap. 21. which gives Ceſſavit.

There be ſome Copies which have the firſt Verſe thus written;

Nigth

Niſith yelde, and Niſith gelde: And others thus;

Nigeſith yeld, and nigeſith geld.

But theſe differ not in Signification. Other Copies have it thus;

Nigondſith ſeld, and nigondſith geld,

That is, Let him nine times pay, and nine times repay.

Gavel-kind.

GAvel-kind is a Cuſtom annexed and going with Lands in Kent, called Gavel-kind-lands, holden by ancient Socage Tenure. And it is thought by the Skilful in Antiquities, to be called Gavel-kind, of Give all kinne, that is, to all the Kindred in one Line, according as it is uſed among the Germans, from whom we Engliſh-men, and chiefly of Kent, come. Or elſe it is called Gavel-kind, of Give all kinde, that is, to all the Male-children, for Kinde in Dutch ſignifies a Male-child. And divers other like Conjectures are made touching Gavel-kinde, which I omit.

The moſt uſual Cuſtoms are, That the Land is dividable between the Heirs-male; and that the Heir at the Age of fifteen Years may give and ſell his Land; and ſhall inherit, although his Father be attainted and hanged for Felony; and his Wife ſhall be endowed of half the Land whereof her Husband died ſeiſed; and the Husband ſhall be Tenant by the Curteſie of the Half, although he have no Iſſue by his Wife; but the Eſtate of the Husband and Wife ceaſes by their ſecond Marriage. And divers other Cuſtoms are

Niſith yelde, & niſith gelde: Et auters iſſint;

Nigeſith yeld, & nigeſith geld.

Mes ceux ne differ en ſignification. Auters Copies ont ceo ſolonque ceſt ſort;

Nigondſith ſeld, & Nigondſith geld;

Ceſt adire, Payera il novies foits, & novies foits repay.

Gavel-kinde.

G*Gavel-kinde* eſt un Cuſtome annexe & currant ove terres en *Kent*, appel *Gavel kinde-terres*, tenus en antient Socage Tenure. Et eſt penſe per les erudite en Antiquities, deſtre appel *Gavel-kinde* de *Give all Kine*, ceſt adire, a touts les Kinne en un line, accordant come eſt uſe enter les *Germans*, de que nous *Anglois*, & eſpecialment de *Kent*, venomus. Ou eſt appel *Gavel-kinde* de *Give all Kinde*, ceſt adire, al touts les Males, car *Kinde* en *Dutch* ſignifie un Male & divers auters ſemble conjectures ſont fait touchant *Gavel kinde*, le quel jeo omit.

Les pluis uſual Cuſtomes ſont que le Terre eſt dividable enter les Heires-males; & que le Heire al age de 15 ans poit done & vende ſa Terre; & ſerra inherit', come ſon pere ſoit attaint & pendue pur felonie; & ſa feme ſerra endowe del demie del Terre dont ſon baron devie ſeiſie; & le baron ſerra Tenant per le Courteſie del demi, coment ne avoit iſſue per ſa feme; mes l'Eſtate del baron & feme ceaſe per lour ſecond Marriage. Et divers auters Cuſtomes ſont

uſes en *Kent* de Terres en *Gavelkinde*, pur queux veyes *Lambard's Perambulation de Kent.*

used in Kent of the Lands in Gavel-kind, for which see Lambard's Perambulation of Kent.

Gawgeour.

GAwgeour eſt un Officer del Roy deſigne de ſearcher touts Tuns, Hogſheads, Pipes Barrels & Tertians de Vine, Oyle, Honey, Butter, & a done eux un Note de allowance devant ils ſont vendus en aſcun lieu. Et pur ceo que ceſt marke eſt un Circle fait ove un inſtrument de ferre pur cel purpoſe, il ſemble que il priſt ſon noſme de ceo. De ceſt Office la ad eſte fait pluſors Statutes: le primer eſt *An.* 27 *E.* 3 *cap.* 8. les autres ſont 4 *R.* 2 *cap.* 1. 18 *H.* 6. *cap.* 17. 23 *H.* 6. *cap.* 16. 1 *R.* 3. *cap.* 13. & 28 *H.* 8. *cap.* 14.

Gawgeour.

GAwgeour or Gauger is an Officer of the King appointed to ſearch all Tuns, Hogſheads, Pipes, Barrels and Tertians of Wine, Oyl, Honey, Butter, and to give them a Mark of Allowance before they are ſold in any Place. And becauſe this Mark is a Circle made with an Iron Inſtrument for that Purpoſe, it ſeems he takes his Name from thence. Touching this Office there have been made many Statutes: The firſt is An. 27 E. 3. cap. 8. and the others are, 4 R. 2. c. cap. 1. 18 H. 6. c. 17. 23 H. 6. c. 16. 1 R. 3. cap. 13. and 28 H. 8. c. 14.

Gemote.

GEmote eſt un *Saxon* parol ſignifiant un Convention ou Aſſembly: Et eſt uſe en les Leys *Edward* le Confeſſor, *cap.* 35. pur un Court, *viz.* Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto niſi probatus fur fuerit.

Gemote.

GEmote is a Saxon Word ſignifying a Convention or Aſſembly: And is uſed in the Laws of Edward the Confeſſor, cap. 35. for a Court, viz. Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto, niſi probatus fur fuerit.

General Iſſue.

GEneral Iſſue, Veies *Iſſue.*

General Iſſue.

GEneral Iſſue, See Iſſue.

Gerſuma.

GErſuma eſt un obſolete parol, pur un fine ou Sum de argent; il eſt ſovent trove en veil Records. Veies Sir *Hen. Spelman's Gloſſarium.*

Gerſuma.

GErſuma is an obſolete Word, for a Fine or Sum of Money; it is often found in ancient Records. See Sir Hen. Spelman's Gloſſary.

Gild.

Gild.

GIld, alias Geld, has divers Significations: As sometimes a Tribute; other times an Amerciament; thirdly, a Fraternity or Company combined together by Orders and Laws made amongst themselves with the King's Licence. Cambden cites many Antiquities, whereby it appears to signifie a Tribute or Tax; as pag. 135, 139, 159, 168, 178. Crompton, in his Jurisdictions, fol. 191. shews it to be an Amerciament, as Footgeld; yet fol. 191. he says, to be quit of all Manner of Gelds, is to be discharged of all Manner of Prestations to be made for Gathering of Sheaves of Corn, young Lambs, and Wooll, to the use of the Foresters.

Also Cambden, pag. 149. dividing Suffolk into three Parts, calls the first Gildable, because Tribute is thence gathered. And the Statutes Anno 27 Edw. 3. Stat. 2. cap. 13. and Anno 11 H. 7. cap. 9. use Gildable in the same Sense; and so the Statute Anno 27 H. 8. cap. 26. Hence Lambard in the Word Contubernalis is perswaded that the Common Word Gild or Gild-hall proceeds, being a Fraternity or Communalty of Men gathered in one Combination, supporting their common Charge by a mutual Contribution. And in the Reg. Orig. fol. 219. b. there is Gildam Mercatoriam, which seems to be a certain Liberty or Privilege appertaining to Merchants, whereby they are enabled to hold certain Pleas of Land within their own Precincts. This Word Gilds or Guilds is so used Anno 27 E. 3. cap. 51. and Anno 15 R.

Gild.

Gild, alias *Geld*, ad divers significations: come aſcun foits un Tribute; auter foits un Amerciament; tiercement, un Fraternitie ou Companie combine enſemble per Orders & Leys fait int' eux meſmes ove le congee le Roy. *Cambden* cita pluſors Antiquities per que il appiert de ſignifier un Tribute ou Tax; come *pag.* 135, 139, 159, 168, 178. *Crompton*, en ſes *Juriſdictions*, *f.* 191. monſtre ceo deſtre un Amerciament, come *Footgeld*; uncore *fol.* 191. il dit, Deſtre quit de touts manners de *Gelds* eſt, deſtre diſcharge de touts manners de Preſtations deſtre fait pur le priſure de Garbes de Corne, de juvene Barbits, & de Lane, al uſe del Forreſters.

Auxy *Cambden*, *pag.* 149. dividand *Suffolk* en trois parts, appel le primer *Gildable*, pur ceo que Tribute eſt de ceo collect. Et les Statutes *Anno* 27 *Edw.* 3. *Stat.* 2. *c* 13. & *Anno* 11 *Hen.* 7. *cap.* 9. uſont Gildable en meſme le ſenſe; & iſſint Stat. *Anno* 27 *H.* 8. *cap.* 26. De ceo Monſier *Lambard* verbo *Contubernalis* eſt perſwade que l' commen parol Gild ou *Gild-hall* proceda, eſteant un Fraternitie ou Communaltie de homes aggregated en un Combination, ſupportant lour common charge per un mutual Contribution. Et en le *Reg. Orig. f.* 229, *b.* la eſt *Gildam Mercatoriam*, que ſemble deſtre un certaine Libertie ou privilege appertinent al Merchants, per que ils ſont enable de tener certain Plees de Terre deins lour Precincts

cincts demeſne. Ceſt parol *Gilds* ou *Guilds* eſt iſſint uſe *Anno* 27 *E.* 3. *c.* 51. & *An.* 15 *R.* 2. *c.* 5. Et *Guildhalda Teutonicorum* eſt uſe pur le Fraternitie de Eaſterling Merchants en *Londres* appel le *Still-yard*, *Anno* 22 *H.* 8. *c.* 8. Veies *Coke*, *l.* 8. *f.* 125.

Giſarms.

GIſarms fuit un certeine Weapon, mention 13 *E.* 1. *Stat.* 3. *c.* 6. *Fleta* eſcrie le meſne *Siſarmes l.* 1. *c.* 24.

Glebe.

GLebe, ſont les terres de queux un Rector ou Vicar eſt ſeiſie in Jure Eccleſiæ.

Bon abearing.

BON *abearing*, *Bonus geſtus*, ſignifie le exact demeaning ou Comportment de un Subject al un Roy & ſon Liege People, al que homes aſcuns foits pour lour looſe deportment ſont lies. Et il que eſt lie al ceo eſt pluis ſtrictment lie que al Paix, car le Paix ne eſt enfreint ſans un actual Affray, Battery, *&c.* mes ceo poet eſtre forfeit per le nombre de ſon Company, ou ſon Arms. *Crompt. Juſt.* 119, 120, *&c.*

Gors.

GORS (*Gurges*) eſt un Eſtange ou Gulfe d'eau pur le preſerver des piſſons, per le grant de que le Soil meſme paſſera; & un *Præcipe quod reddat* giſt de ceo, come eſt a veier en 4 *E.* 3. 29. *b.* & 8 *E.* 3. 13. *a.* & *F. N. B.* 191. *H.*

2. c. 5. And Guildhalda Teutonicorum is uſed for the Fraternity of Eaſterling Merchants in London called the Still-yard, Anno 22 H. 8. cap. 8. See Coke, l. 8. f. 125.

Giſarms.

GIſarms was a certain Weapon, mentioned 13 E. 1. Stat 3. c. 6. Fleta writes it Siſarmes, l. 1. cap. 24.

Glebe.

GLebe, are Lands of which the Rector or Vicar are ſeiſed in Jure Eccleſiæ.

Good abearing.

GOOD abearing, Bonus geſtus, ſignifies, the exact Carriage or Behaviour of a Subject to a King and his Leige People, to which Men ſomtimes for their looſe Demeanor are bound: And he that is bound to this is more ſtrictly bound than to the Peace, for the Peace is not broken without an actual Affray, Battery, &c. but this may be forfeited by the Number of a Mans Company, or his Weapons. Crompt. Juſt. 119, 120, &c.

Gors.

GORS (Gurges) is a Pool or Pit of Water to keep Fiſh in, by the Grant whereof the Soil it ſelf paſſes; and a Præcipe quod reddat lies of it, as you may ſee in 4 Ed. 3. 29. b. and 8 E. 3. 13. a. and F. N. B. 191. H.

Granage.

Granage.

GRanage, is a Duty in London, viz. the twentieth Part of Salt imported by an Alien, and due to the Mayor. Dyer 352.

Grand Cape.

GRand Cape. Look for it after in the Title Petit Cape.

Grand Days.

GRand Days are those which are solemnly kept in every Term in the Inns of Court and Chancery, viz. In Easter Term, Ascension Day; in Trin. Term, St. John Baptist, in Michaelmas Term, All Saints; in Hillary Term, the Feast of the Purification of the B. Virgin. And these are no Days in Court.

Grand Distress.

GRand Distress. See of that before in the Title Distress.

Grand Serjeanty.

GRand Serjeanty is, where a Man holds of the King certain Land by the Service of carrying his Banner or Launce, or to lead his Host, or to be his Carver or Butler at his Coronation, or the like; and that is the most honourable Service that a Tenant may do, and for that it is called Grand Serjeanty. But Petit Serjeanty is, when one holds of the King, paying him yearly a Bow, a Sword, a Spear, or such like; and that is but Socage in Effect: But a Man cannot hold in Grand Serjeanty or Petit Serjeanty but of the King. Also if a Tenant by Grand Serjeanty dies, his Heir, being of full Age, shall pay to the King for Relief the Value of the Lands, besides the Charges that he pays to

Granage.

G*Ranage*, Duty en *Londres*, *viz.* le 20th. part de Salt import per un Alien, due al Mayor. *Dyer*, 352.

Grand Cape.

G*Rand Cape.* Veies de ceo apres en le Title *Petit Cape.*

Grand Days.

G*Rand Days* sont ceux que sont solemnement observe en chescun Term en les Inns de Court & Chancery, *viz.* In Term. *Pasch* dies *Ascent.* in Term. *Trin.* dies S. *J. Bapt.* in Term. *Mich. dies Omn. Sanct.* in Term. *Hil.* dies Purif. B. Virg. Et ceux ne sont dies Juridici.

Grand Distress.

G*Rand Distress.* Veies de ceo devant en le Title *Distress.*

Grand Serjeanty.

G*Rand Serjeanty* est, lou un home tient del Roy certaine Terres per le Service de porter son Banner ou Launce, ou a-mesner son hoste, ou destre son Carver ou Butler a son Coronment, & tiels semblables; & ceo est la pluis digne Service que le Tenant poit faire, & pur ceo est appel *Grand Serjeanty.* Mes *petit Serjeanty* est, quant un tient de Roy, rendant a luy annualment un Arc, un Coteau, un Lance, ou tiel semblable; & ceo nest forsque Socage en effect: Mes home ne poit tener en Grand Serjeanty ne per Petit Serjeanty si non de Roy. Auxy si Tenant per Grand Serjeanty morust, son Heir, esteant de plein age, payera al Roy pur Relief le value des Terres, ouster

les

les charges que il pay al Roy pur Grand Serjeanty: mes ceſtuy que tient per Eſcuage payera pur ſon Relief forſque C. s.

Ceux que ſont en les Marches de *Scotland*, que tienont del Roy per *Cornage*, ceo eſt, pur ventiler un Cornu quant les *Scots* entront *Angleterre*, ſont Tenants per *Grand Serjeanty*.

Aux' ou un home tient del Roy pur trover un home en ſa Guerre deins le Realm, c'eſt dit *Grand Serjeanty*, pur ceo que il eſt fait per Corps d'un home: Et ſi le Tenant ne poit trover home de faire ceo, il eſt tenus de faire ceo luy meſme.

Mes veies le Stat. 12 *Car.* 2. c. 24. per quel touts les Tenures ſont ore turne en frank & common *Socage*.

the King by Grand Serjeanty: but he that holds by Eſcuage ſhall pay for his Relief but C. s.

Thoſe that are in the Marches of Scotland, who hold of the King by Cornage, that is, to blow an Horn when the Scots enter England, are Tenants in Grand Serjeanty.

Alſo where a Man holds of the King to find a Man in his Ward within the Realm, that is called Grand Serjeanty, becauſe it is done by a Man's Body: And if the Tenant cannot find a Man to do it, he is bound to do it himſelf.

But ſee the Stat. 12 Car. 2. c. 24. whereby all Tenures are now turned into Free and Common Socage.

Grange.

GRange eſt un Huys ou Ferm non ſolement pur le repoſer de Frument ou aſcun auter ſort de Grain, mes auxi Edifices pur Garons, Porcs, Boefs, &c. & per le Grant de un Grange tiels lieus paſſeront.

Grange.

GRange is a Houſe or Farm not only for the laying up of Wheat, or any other Sort of Grain, but alſo any Houſes for Horſes, Swine, Beefs, &c. and by the Grant of a Grange, ſuch Places ſhall paſs.

Grant.

GRant ſignifie un done en eſcript de tiel choſe que ne poit aptment eſtre paſs ou convey per parol ſolement, come Rent, Reverſions, Advowſons en groſs, Commons in groſs, Diſms, &c. Ou fait per tiels perſons que ne poent doner mes per fait, come le Roy & touts Corps Politicks; & celuy que grant eſt noſme le Grantor, & celuy a que le Grant eſt fait eſt noſme le Grantee. Un choſe eſt dit de giſer en grant que ne poet eſtre aſſign ſans fait. Co. 3. *Rep.* 63.

Grant.

GRant ſignifies a Gift in writing of ſuch a Thing which cannot properly be paſſed or conveyed by Word only, as Rent, Reverſions, Advowſons in Groſs, Tithes, &c. Or made by ſuch Perſons as cannot give but by Deed, as the King and all Bodies Politick; And he who grants is called the Grantor, and he to whom the Grant is made is called the Grantee. A Thing is ſaid to lie in Grant which cannot be aſſigned without Deed. Co. 3 Rep. 63.

Gre

Gree.

GREE comes of the French Word (Gre) Good Liking; and it signifies in our Law, Contentment or Satisfaction; as in the Statute of 1 R. 2. c. 15. to make Gree to the Parties is to give them Contentment or Satisfaction for an Offence done unto them.

Green hew.

GReen hew is all one with Vert, as appears by Manwood in his Forest-Laws, cap. 6. sect. 5. and for it see Vert.

Green Wax.

GReen Wax is a Word used in the Statutes of 42 E. 3. c. 9. and 7 H. 4. c. 3. and signifies the Estreats of Issues, Fines and Amerciaments in the Exchequer, and delivered out to the Sheriffs under the Seal of the Court, to be levied by them in their several Counties.

Greve.

GReve, Præpositus, is a Word of Authority, and signifies as much as Comes or Vicecomes; Mr. Lambard makes it all one with Reve; whence our Portgreve, Shyreve.

Grithbreach.

GRithbreach, that is, the King's Peace broken; because Grith in English is Pax in Latine.

Gross Bois.

GRoss Bois is such Wood which properly in some Places either by Custom or the Common Law signifies Timber. Co. 2. Inst. 642.

Gree.

GREE venust del *Francois* (*Gre*) Beneplacitum; & signifie en nostre Ley Contentment ou Satisfaction; come en le Statute 1 R. 2. c. 15. de faire *Gree* as parties est a doner eux contentment ou Satisfaction pur un Offence al eux fait.

Green hew.

GReen *hew* est tout un ove *Vert*, come appiert per *Manwood* en ses Leys del Foreſt, c. 6. *sect.* 5. Et pur ceſt veies *Vert*.

Green Wax.

GReen *Wax* est un parol use en les Statutes de 42 *E.* 3. *c.* 9. & 7 *H.* 4. *c.* 3. & signifie les Estreats des Issues, Fines & Amerciaments en l' Eschiquer, & bailes hors as Viscounts south le Seale del Court, destre per eux levies en lour several Counties.

Greve.

GReve, *Præpositus*, est un parol de Authority, & signifie tant come Comes, ou Vicecomes; Mr. *Lambard* fait ceo tout un ove *Reve*; de ont vient *Portreve*, *Shyreve*.

Grithbreach.

GRithbreach, hoc est, Pax Domini Regis fracta; quia *Grith Anglice*, *Pax Latine*.

Gross Bois.

GRoss *Bois* est tiel Bois que proprement en ascun lieus ou per Custom ou per le Common Ley signifie Timber. Co. 2. *Inst.* 642.

Gule de Auguſt.

GUle *de Auguſt* eſt le prime jour ou les Calends del *Auguſt*, que en le temps *E.* 1. & *E.* 3. fuit uſualment appel le *Gule de Auguſt*, come appiert per *F. N. B. f.* 62. *I.* & *Plowden's Com. f.* 316. *b.* Eſt le verie jour S. *Petri ad vincula*; & le reaſon pur que eſt appel le *Gule de Auguſt* eſt conceive ſur un Hiſtorie recorde per *Durandus* en ſon *Rationale Divinorum*, *l.* 7. *c.* 19. de un Miracle effect per le Chaine de S. *Peter* ſur le file de un *Quirine* un Tribune del *Rome*, que per le baiſer del dit Chaine fuit cure des Eſcrovel en ſa Gule (*gula*) Et veies *Hoſpin. de origine feſtorum*, *f.* 85. *b.*

Gule of Auguſt.

GUle of Auguſt is the firſt Day of the Calends of Auguſt, which in the Time of E. 1. and E. 3. was called ordinarily the Gule of Auguſt, as appears by F. N. B. f. 62. I. and Plowden's Com. f. 316. b. It is the very Day of St. Peter ad vincula; and the Reaſon why it was called the Gule of Auguſt, is conceived upon a Story recorded by Durandus in his Rationale Divinorum, l. 7. c. 19. of a Miracle wrought by St. Peter's Chain upon the Daughter of one Quirinus a Tribune of Rome, who by the Kiſſing of that Chain was healed of the King's Evil in her Throat (gula). And ſee Hoſpinian. de origine feſtorum, f. 85. b.

Gultwit.

GUltwit eſt un amends pur Treſpaſſe, ſolonque *Saxton* en ſon *Deſcription del Angleterre*, *c.* 11.

Gultwit.

GUltwit is an Amends for Treſpaſs, according to Saxton in his Deſcription of England c. 11.

H.

Habeas Corpus.

HAbeas Corpus eſt un Brief le quel home endite de aſcun Treſpaſſe devant Juſtices del Peace, ou en un Court de aſcun Franchiſe, & ſur ſon Priſure eſteant giſt en Priſon pur meſme, poit aver hors del Banke le Roy, per ceo de ameſner luy meſme la a ſes coſts demeſne, & de reſpond le Cauſe icy. *F. N. B.*

H.

Habeas Corpus.

HAbeas Corpus is a Writ which a Man indicted of any Treſpaſs before Juſtices of the Peace, or in a Court of any Franchiſe, and upon his Appꝛehenſion being laid in Priſon for the ſame, may have out of the King's Bench, there to remove himſelf hither at his own Coſts, and to anſwer the Cauſe there. F. N. B. f. 250.

And the Order in this Case is, first to procure a Certiorari out of the Chancery, directed to the said Justices, for the removing of the Indictment into the King's Bench; and upon that to procure this Writ to the Sheriff, to cause his Body to be brought at a Day, Reg. Judic. f. 81. where you may find many Cases wherein this Writ shall be used.

Habeas Corpora.

HAbeas Corpora is a Writ which lies against a Jury, or any of them that refuse to come upon the Venire facias, for the Trial of a Cause brought to Issue.

Habendum.

HAbendum is a Word of Form in a Conveyance, to the true Understanding whereof it is to be observed, That in every Deed of Conveyance there are two principal Parts, the Premisses, and the Habendum.

The Office of the Premisses is to express the Name of the Grantor, the Grantee, and the Thing to be granted. The Office of the Habendum is to limit the Estate, so that the general Implication of the Estate, which by Construction of Law passes in the Premisses, is by the Habendum controlled and qualified: As in a Lease to two Men, Habendum to the one for Life, the Remainder to the other for Life, alters the general Implication of the Joynt-Tenancy in the Free-hold, which passes by the Premisses, if the Habendum were omitted. See Coke, l. 2. c. 55.

f. 250. *b.* Le order en ceo case est, primerment de procurer un *Certiorari* hors del Chancerie, direct al dits Justices, pur le remover del Endictment en le Banke le Roy; & sur ceo de procurer cest Brief al Viscount, de causer son Corps destre ameſne al un jour, *Reg. Judic. f.* 18. ou vous poies trover plusors cases en queux cest Brief serra use.

Habeas Corpora.

H*Abeas Corpora* est un Brief que gist contre un Jurie ou ascun de eux que refusont de vener sur le *Venire facias*, pur le Trial de un Meistre port al issue.

Habendum.

H*Abendum* est un parol de forme en un Conveyance, al voyer Intelligence de que est destre observe, que en chescun Fait de Conveyance la sont deux principal parts, le *Premisses* & le *Habendum*.

Le Office des *Premisses* est de expresser le nosme del Grantor, le Grantee, & le Chose destre graunte. Le Office del *Habendum* est, de limitter le Estate, issint que le general Implication del Estate, que per construction del Ley passa en les Premisses, est per le *Habendum* controlle & qualifie: Sicome en un Lease a deux homes, *Habendum* a le un pur vie, le Remainder al auter pur vie, alter le general Implication del Joynt-tenancie en le Frank-tenement, que passera per les Premisses, si le *Habendum* ad este omis. Veies Co. *l.* 2. *f.* 55.

Ha-

Habere facias Seisinam.

H*Abere facias Seisinam* est un Brief Judicial que gist lou un ad recover certain Terres en Court le Roy; donques il avera cest Brief direct al Viscount, luy commandant de doner a luy Seisin del Terre, & ne serra retournable.

Habere facias Visum.

H*Abere facias Visum* est un Brief que gist en pluseurs Cases, lou View est destre pris del Terres ou Tenements en question. Veies *F. N. B. In Indice, verbo* View; & *Bract. l. 5. tra. 3. c. 8.*

Haiebote.

H*Aiebote* vient del *Francois* parol *Haye, sepes*, & del *Saxon* parol *Bote, Compensatio*, & est use pur un permission de prender Thorns ou Freeth de faire ou repayrer Hedges. Veies *Heybote.*

Half bloud.

H*Alf bloud.* Veies *Demysank.*

Demy Seal

D*Emy Seal* est un Seal use en le Chancerie pur le sealer des Commissions as Delegates sur un Appeal en un Cause civil ou marine, come appiert per le Stat. fait en 8 *Eliz. c.* 5.

Halymote.

H*Alymote* est un Court-Baron, come appiert per *Manwood*, en ses *Forrest-Leys, c.* 23. *f.* 217. *a.* Et est appel *Halymote*, cestascavoir, le *Concurse* des Tenants de un *Hall*, ou Manor.

Habere facias Seisinam.

HAbere facias Seisinam is a Writ Judicial, that lies where one hath recovered certain Lands in the King's Court; then he shall have this Writ directed to the Sheriff, commanding him to give him Seisin of that Land, and it shall not be returnable.

Habere facias Visum.

HAbere facias Visum is a Writ that lies in divers Cases, where View is to be taken of the Lands or Tenements in Question. See F. N. B. In Indice, verbo *View*; & Bract. l. 5. tract. 3. c. 8.

Haiebote.

HAiebote cometh from the French Word Haye, sepes, and the Saxon Word Bote, Compensatio, and is taken for a Permission to take Thorns or Freeth to make or repair Hedges. See Heybote.

Half-blood.

HAlf-blood. See Demysank.

Half Seal.

HAlf Seal is a Seal used in Chancery for the Sealing of Commissions to Delegates upon an Appeal in a Cause civil or marine, as it appears by the Statute made in 8 Eliz. c. 5.

Halymote.

HAlymote is a Court-Baron, as appears by Manwood in his Forest-Laws, c. 23. f. 217. a. And it is called Halymote, that is, the Meeting of the Tenants of one Hall or Manor.

Hamlet.

Hamlet.

HAmlet, Hamel or Hampſel, are Diminutives of Ham, which ſignifies a Habitation.

Hambling, or Hoxing of Dogs.

HAmbling, or Hoxing, or Hock-ſinewing of Dogs, are old Foreſt-Terms for the Lawing of Dogs, when the Cuſtom was (as appears in Manwood's Foreſt-Laws, c. 16. ſect. 12.) to cut or gaſh Dogs in the Hams; but now they uſe to do it in their Feet. Of which ſee Expeditate.

Hand-gun.

HAnd-gun is an Engine which is prohibited to be uſed and carried about by the Statute of 33 H. 8. c. 6. And though a Dag was invented of late Time, and after the Making of the ſaid Act, and is not known by the Name of Hand-gun, but by a ſpecial Name; yet the Carrying of a Dag is within the ſaid Act, and comprehended within the Word Hand-gun. So whereas Croſs-bows are forbidden by the ſaid Act, thereby Stone-bows are alſo forbidden. See Coke, l. 5. f. 71, 72.

Hangwit.

HAngwit is to be quit of a Thief or Felon hanged without Judgment, or eſcaped out of your Cuſtody.

Hanper.

HAnper of the Chancery, Anno 10 R. 2. c. 1. ſeems to ſignifie as Fiſcus originally does in Latin.

Hamlet.

H*Amlet*; *Hamel* ou *Hampſel*, ſont Diminutives del *Ham*; que ſignifie un Habitation.

Hambling, ou *Hoxing des Chiens.*

H*Ambling*, ou *Hoxing*, ou *Hock-ſinewing* des Chiens, ſont antient termes del Forreſt pur le Lawing des Chiens, quand le cuſtome fuit, (come appiert per *Man. Fo. Leys*, *c.* 16. *ſect.* 12.) de couper ou berluffer Chiens en lou Jareds; mes ore eſt uſé deſtre fait en lour Pieds. De que veies *Expeditate.*

Hand-gun.

H*And-gun* eſt un Engine que eſt prohibite deſtre uſe & emport per le Statute de 33 *H.* 8. *c.* 6. Et coment que un Dagge fuit invent de tardife temps, & puis le feſans del dit Act, & neſt conuſt per le noſme de *Hand-gun*, mes per un eſpecial noſme; uncore le carrying de un *Dagge* eſt deins le dit Act, & comprehend deins le parol *Hand-gun.* Iſſint ou Croſſe-bowes ſont prohibite per le dit Act, per ceo Stone-bowes ſont auxy prohibite. Veies *Coke*, 5. *f.* 71, 72.

Hangwit.

H*Angwit* eſt, quietum eſſe de Latrone ſuſpenſo ſine Judicio, vel extra Cuſtodiam veſtram evaſo.

Hanper.

H*Anper* del Chancerie, *Anno* 10 R. 2. *c.* 1. ſemble de ſignifier come *Fiſcus* originalment en *Latine.*

Haque.

H*Aque* eſt un petit Hand-gun al longeur des trois quartiers de un verge, & eſt mention en le Stat. de 33 *H.* 8. *c.* 6. *&* 2 *&* 3 *E.* 6. *c* 14. La eſt auxy parle de un *demy Haque.*

Haquebut.

H*Aquebut* eſt un Gunne mention en le Statute de 2 *&* 3 *E.* 6. *c.* 14 & eſt tout un ove un *Arquebuſe.*

Hariot.

H*Ariot* eſt en deux ſorts ; le un Hariot Cuſtome, le auter Hariot-Service.

Hariot Service eſt mult foits expreſſe en le Grant de un home ou en ſon Fait, que il tient per tiel Service pur payer *Hariot* al temps de ſon mort. Et ceſt Hariot eſt payable apres le mort del Tenant en Fee-ſimple.

Hariot Cuſtome eſt, lou *Hariots* ont eſte payes temps hors de memory per Cuſtome. Et ceo poit eſte apres le mort del Tenant pur vie, *&c.* Mes a parler de ceo generalment.

Hariot eſt le melieur Beaſt (ſoit il Chival, Boefe, ou Vache) que le Tenant ad al temps de ſon mort. Et un Diſtreſs poit eſtre ſeiſie ou pris pur ceo, ſoit il *Hariot Service*, ou *Hariot Cuſtome*, al uſe del Seignior de que le Tenant tient, per ſon Bailiff ou auters Officers. Mes de droit le Seignior ne ſon Officer ne prender *Hariot*, devant que il ſoit preſent al prochein Court tenus apres le Tenant eſt mort que tiel Beaſt eſt due pur ſon *Hariot.*

Haque.

HAque is a little Hand-gun of three Quarters of a Yard long, and it is mentioned in the Statutes of 33 H. 8. c. 6. and 2 & 3 E 6 c. 14. There is alſo Mention made of an half Haque.

Haquebut.

HAquebut is a Gun mentioned in the Statute of 2 & 3 E. 6. c. 14. and it is all one with an Harquebuze.

Hariot, *or* Heriot.

HAriot is of two Sorts; Hariot Cuſtom, and Hariot Service.

Hariot Service is often expreſſed in a Man's Grant or Deed, that he holds by ſuch Service to pay Hariot at the Time of his Death. And this Hariot is payable after the Death of the Tenant in Fee-ſimple.

Hariot Cuſtom is, where Hariots have been paid Time out of Mind by Cuſtom. And this may be after the Death of the Tenant in Fee-ſimple. But to ſpeak thereof generally:

Hariot is the beſt Beaſt (whether it be Horſe, Ox, or Cow) that the Tenant had at the Time of his Death. And a Diſtreſs may be either ſeiſed or taken for it, whether it be Hariot Service, or Hariot Cuſtom, to the Lord's Uſe of whom the Tenant held, by his Bailiff or other Officers. But of Right neither the Lord nor his Officer ſhould take Hariot, before it be preſented at the next Court holden after the Tenant is dead, that ſuch a Beaſt is due for his Hariot.

Haward.

HAward, or Hayward, is an Officer appointed in every Town to be the Common Herd of the Town; and he is so called, either for that it is one Part of his Office to keep the Hedges of inclosed Grounds, so that they be not cropped or broken down; or because he keeps the Grass from Hurt and Destruction of Cattle, so that Hay may be made thereof. He is an Officer sworn in the Lord's Court: For which Oath, see Kitch. fol. 46.

Hawkers.

HAwkers is a Word used in the Statutes 25 H. 8. cap. 9. and 33 Hen. 8. cap. 4. for Tinkers that go from Place to Place through the Country, and by Colour of the King's Letters Patents or Placards buy and sell Brass and Pewter, and cozen the King's People both in the Weight and in the Stuff.

Hey-bote, *or* Hedge-bote.

HEy-bote, or Hedge-bote, is necessary Stuff to make and mend Hedges, which the Lessee for Years or for Life of common Right may take upon the Ground to him leased, although it be not expressed in his Lease, and although it be a Lease by Word, without Writing.

Heybote also may be taken for necessary Stuff to make Rakes, Forks, and such like Instruments, wherewith Men use in Summer to tedd and make Hay. And so Lessee for Years took it, and it was allowed him by his Lessor, the rather, as I suppose,

Haward.

H*Award*, ou *Hayward*, est un Officer designe en chescun Ville destre le common Herd del Ville; & il est issint appel, ou pur ceo que un part de son Office est pur garder les *Hayes* de terres enclose, issint que ils ne soient croppe ne enfringe; ou pur ceo que il garde le Grasse del parde & destruction des Avers, issint que *Hay* poit estre fait de ceo. Il est un Officer jurus en le Court del Seignior: Pur quel Serement, veies *Kitch. fol.* 46.

Haukers.

H*Aukers* est un terme use en les Statutes de 25 *H.* 8. *c.* 9. & 33 *H.* 8. *cap.* 4. pur Tinkers queux alont de lieu en lieu per le pais, & per color des Letters Patents le Roy ou Plachards achatont & vendont Airain & Pewter, & deceive les lieges le Roy & en le poise & en le substance.

Heybote, ou *Hedgebote.*

H*Eybote*, ou *Hedgebote*, est necessarie Stuff pur faire & amend *Haies*, que Lessee purans ou pur vie de common droit poit prender sur le Terre a luy lesse, nient obstant il ne soit expresse en son Lease, & nient obstant que il soit un Lease per Parol, sans Escript.

Heybote auxy poit estre prise pur necessarie stuff pur faire Rakes, Forks, & tiels semble instruments, ove queux homes usont en Sommer pur tedder & faire Feine. Et issint un Lessee pur ans prist ceo, & fuist luy allow per son

Leſſor, pluis toſt, come jeo ſuppoſe, pur ceo que tiels Inſtruments ſont faits de ſlend' Subbois, que per le Common Ley, le Leſſee pur ans poit ſuccider & prender, come eſt avandit.

Head-borow.

H*Ead-borow* eſt compound des deux parols, *Heofed, id eſt, Caput*, & *Borhe, id eſt, Pignus.* Iſſint que *Head borow*, ſignifie le chief des Frankpledges en un Decenarie deins un Leet, ou celuy que avoit le governance des eux que ſont deins ſon Pledge demeſne; & il fuit appel *Head-borough*, ou *Borow-head*, ou *Borough-holder*, ou *Third borow*, ou *Tithing-man*, ou *Chief-pledge*, ou *Borow-Elder*, ſolonque le diverſitie des dialects des divers lieus. Et a ceo jour eſt ore appel un *Conſtable.*

Head-ſilver.

H*Ead ſilver.* Veies Com. Fine.

Heireloome.

H*Eireloome* eſt aſcun parcel des Utenſils d'un meaſe, que, per le cuſtome del eſc' Pais, eſteant appertinant al un Meaſe pur certaine diſcents, ala ove le Meaſe (apres le mort del owner) al Heire, & nemy as Executors.

Herbage.

H*Erbage* eſt le Fruit del terre proviſe per nature pur le bit ou bouch del Cattel: Mes il eſt communment uſe pur un Liberty a paſcer le Cattel d'un home en le fund del aut', come en le Forreſt, *&c. Crom. Juriſd. fol.* 197.

Head-borow.

HEad-borow is compounded of two Words, Heofed, id eſt, Head, and Borhe, id eſt, Pledge. So that Head-borow ſignifies the Chief of the free Pledges in a Decennary within a Leet, or he that had the Government of thoſe that are within his own Pledge. And he was called Head-borough, or Borow-head, or Borough-holder, or Third-borough, or Tithing-man, or Chief-Pledge, or Borow-Elder, according to the Diverſity of Speech in divers Places; and to this Day he is now called a Conſtable.

Head-ſilver.

HEad ſilver. See Common Fine.

Heirloom.

HEirloom, is any piece of Houſhold-ſtuff, which, by the Cuſtom of ſome Countries, having belonged to a Houſe for certain Deſcents, goes with the Houſe (after the Death of the Owner) unto the Heir, and not to the Executors.

Herbage.

HErbage is the Fruit of the Earth provided by Nature for the Bit or Mouth of the Cattel: But it is commonly uſed for a Liberty to feed one's Cattel in another Man's Ground, as in the Forreſt, &c. Cromp. Juriſ. fol. 197.

Herbenger.

HErbenger, cometh from the French Word Herberger, i. e. Hoſpitio accipere, and ſignifies an Officer in the King's Court who appoints the Noblemen and thoſe of the Family their Lodgings.

Hereditaments.

HEreditaments ſignify all ſuch things whether corporeal or incorporeal which a Man may have to him and his Heirs by Way of Inheritance, and which if they be not otherwiſe bequeathed come to him which is next of Blood, and not to the Executors or Adminiſtrators as chattels do. It is a Word of a very large extent, for by this Seigniories, Lands, Rents, Advowſons, &c. and any other Things that are inheritable ſhall paſs. Co. Lit. 6.

Heretico, *or* Hæretico comburendo.

HÆretico comburendo is a Writ that lies againſt him who is an Heretick, that is, who having been once convicted of Hereſie by the Biſhop, and having abjured it, afterwards falls into it again, or into ſome other, and is thereupon committed to the Secular Power.

2nd Brit. lib. 1. cap. 17. ſaith, That by the Common Law thoſe Perſons who feloniouſly burn the Corn or Houſes of others, Sorcerers and Sorcereſſes, Sodomitical Perſons and Hereticks, ſhould be burnt and conſumed.

This Writ is taken away by the Statute of K. C. 2.

Herbenger.

H*Erbenger* vient del Francois parol *Herberger*, i. e. *Hoſpitio accipere*, & ſignifie un Officer en le Court le Roy pur allot al Noble-homes & ceux del Family lour apartments.

Hereditaments.

H*Ereditaments* ſignifie touts ceux choſes immoveable, ſoient ils corporeal ou incorporeal queux un home poet aver a luy & ſon Heires per voy de Inheritance, & queux ſi ne ſont auterment bequeſt veignant a celuy que eſt prochein de ſank & nemy al Executors ou Adminiſtrators come Chattels. Eſt parol de pluis large extent, car pur ceo Seigniories, Terres, Rents, Advowſons, &c. & quelcunque choſes que poent eſtre inherit, paſſera. *Co. Lit. 6.*

Heretico, ou *Hæretico comburendo.*

H*Æretico comburendo* eſt un Brief que giſt vers luy que eſt un Heretique, ceo eſt, que ayant eſte un foits convince de Hereſie per l'Eveſque, & ayant ceo abjure, puis en ceo relapſe arere, ou en aſcun auter, & eſt ſur ceo commiſe al Lay poyar.

Et *Brit. lib. 1. cap.* 17. dit, Que per le Common Ley ceux perſons queux felonioufment arſeront auters Blees ou auters Meaſons, Sorciers & Sorcieresſes, Sodomites, & Hereticks, ſerront combures & arſes.

Ceſt Brief eſt toll per Stat. *Car. 2.*

Hermitage, & Hermite.

HErmite eſt un Religious home que devote luy meſme a viver ſolitary en aſcun private lieu en un Eſglice ou Monaſtery, *&c.* & ſon lieu eſt appel Hermitage. Et de ceo Prohibition giſt. *Nat. Br.* 34. *G.*

Hidage.

H*Idage* eſt quietum eſſe, ſi Dominus Rex talliaverit totam Terram per Hidas.

Nota que un *Hide* de Terre eſt un entire Plough-land. Et ceſt kind de Taxing per *Hides* fuit mult uſe en veile temps, cybien pur proviſion de Armour, come payments de Argent; & ceſt principalment en les jours del Roy *Etheldred*, que en l'an de Chriſt 1006. quant les *Danes* priſtera terre al *Sandwich* en *Kent*, tax tout ſon Terre per *Hides* en ceſt manner; Que cheſc' 310 *Hides* de Terre doient trover un Nief furniſh, & cheſc' 8 *Hides* doient trover un Jacke & un Sallet, pur le defence del Realm.

Hide & Gayne.

H*IDE & Gayne* en ancient temps ſignifie arable Terre. *Vet. Nat. Brev.* 71. *& Co. Lit.* 85. *b.* Car en veil temps a *Gayner* Terre fuit tant come le culture ou le manuring de ceo.

Hoblers.

H*Oblers* ſont mention en le Statute de 25 *E.* 3. *Stat.* 5. *c.* 8. eſtre tiels queux per lour Tenure ſont lies de maintainer un petit Chival, pur doner notice del aſc' Invaſion ou aut'

Hermitage and Hermite.

HErmite is a Religious Man, who devotes himſelf to live ſolitary in any private Place, Church, or Monaſtery, &c. And his Place is called an Hermitage. And of it a Prohibition lies. Nat. Br. 34. G.

Hidage.

HIdage is to be quit, if the King ſhall tax all the Land by Hides.

Note, that a Hide of Land is a whole Plough-Land. And this Kind of Taxing by Hides was much uſed in old Time, as well for Proviſion of Armour, as Payments of Money; and that chiefly in King Etheldred's Days, who in the Year of Chriſt, 1006. when the Danes landed at Sandwich in Kent, taxed all his Land by Hides thus: That every 310 Hides of Land ſhould find one Ship furniſhed, and every eight Hides ſhould find one Jack and one Saddle, for the Defence of the Realm.

Hide and Gayne.

HIDE and Gayne did anciently ſignifie arable Land. Old Nat. Brev. 71. & Co. Lit. 85. b. For of Old to Gain Land was as much as to till and manure it.

Hoblers.

HOblers are mentioned in the Statute of 25 E. 3. Stat. 5. cap. 8. to be ſuch Men as by their Tenure are bound to keep a little Nag, to give notice of any Invaſion, or other Danger that happens

happens near the Sea-side where they dwell.

Hoghenhine.

HOghenhine, is he who comes Guest-wise to a House, and there lies the third Night, after which Time he is accounted one of his Family in whose House he lies; and if he offend the King's Peace, his Host must be answerable for him. Bract. lib. 3. tract. 2. cap. 10. In the Laws of King Edward, set forth by Lambard, he is called Agenhine, where you may read more of this matter.

Homage.

HOmage in our Books is twofold. viz. Homagium ligeum, and that is as much as Ligeance, of which Bracton speaks, lib. 3. cap. 35. fol. 79. Soli Regi debetur sine Dominio seu Servitio. And the other is Homagium feubale, which hath his Original by Tenure. In Fitzh. N. B. fol. 269. there is a Writ for respiting this latter Homage, which is due by reason of the Fee or Tenure. But Homagium ligeum is inherent and inseparable, and cannot be respited.

Homage, by Reason of Fee or Tenure is defined to be a Service which shall be made in this Manner: The Tenant in Fee or Fee-tail that holds by Homage, shall kneel upon both his Knees ungirded, and the Lord shall sit, and hold the Hands of his Tenant between his Hands, and the Tenant shall say, I become your Man from this Day forward of Life and member, of earthly Honour, and to you shall be faithful and true, and shall bear to you

peril que happa prochein al Mere lou ils demurront.

Hoghenhine.

H*Oghenhine* est celuy que vient a un meason en le guise dun Guest, & la reposa l'tierce nuict, puis quel temps il est accompt un de son Familie en que meason il reposa; & sil offend le Peace l' Roy, son Host covient de responder pur luy. *Bract. lib. 3. tract. 2. cap. 10.* En l'Leys de Roy *Edward*, edite per Monsieur *Lambard*, il est appell' *Agenhine*, ou vous poyes lier pluis de cest meistre.

Homage.

H*Omage* en nostre Livres est deux-fold, cest adire, *Homagium ligeum*, & cest est tant come ligeance, de que *Bract.* parle, *l. 3. c. 25. f. 79. Soli Regi debetur sine Dominio seu Servitio.* Et lauter est *Homagium Feudale*, que ad son original per Tenure. En *Fitz. Nat. Brev. f. 269.* la est un Brief pur respectuer de cest darreine *Homage*, que est due per reason del Feud ou Tenure. Mes *Homagium ligeum* est inherent & inseparable, & ne poit estre respectus.

Homagium ratione Feodi sive Tenuræ est define destre un Service que serra fait en tiel manner; Le Tenant en fee ou fee-tail que tient per *Homage*, genulera sur ambideux genus discincte, & le Seigniour serra seate, & tiendra les maines son Tenant enter ses maines, & el Tenant dira, *Jeo deveigne voſtre home de ceſt jour en avant de vie & de member, & de terrene honour, & a vous serra foyall & loyall, & foy vous portera des*

Terres que jeo claime de ten' de vous, ſalve le foy que jeo dey a noſtre Seigniour le Roy: & donques le Seigniour iſſint ſeant luy baſera.

Comment *Fealtie* ſerra fait, veies devant en *Fealtie*.

Le Seneſchal le Seignior poit prender *Fealty*, mes nemy *Homage*. Veies le Stat. 12 *Car.* 2. *cap.* 24.

Faith for the Lands that I claim to hold of you, ſaving that Faith I owe to our Lord the King: And then the Lord ſo ſitting ſhall kiſs him.

How Fealty ſhall be done, look before in Fealty.

The Steward of the Lord may take Fealty, but not Homage. See the Statute 12 Car. 2. cap. 24.

Homage auncestrel.

HOmage *auncestrel* eſt, lou un home & ſes Anceſtors de temps dont memorie ne çourge, ont tenus le Terres del Seignior per *Homage*. Et ſi tiel Seignior ad receive *Homage*, il eſt ten' de acquiter le Tenant vers touts auter Seigniors paramount luy de cheſcun manner de Service. Et ſi l'Tenant ad fait Homage a ſon Seignior, & ſoit implead, & vouche le Seignior a Garrantie, le Seignior eſt tenus de luy garrant': & ſi le Tenant perde, il recovera en value vers ſon Seignior tant des Terres que il avoit al temps de la Voucher, ou unques puis. Auxy ſi home que tient ſon Terre per *Homage auncestrel* alien l'Terre en fee, donques l'Alienee ferra Homage a ſon Seignior; mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del Tenancie en le ſanke del primer Tenant eſt diſcontinue.

Homage auncestrel.

HOmage auncestrel is, where a Man and his Anceſtors, Time out of Mind, held their Land of their Lord by Homage. And if ſuch Lord hath received Homage, he is bound to acquit the Tenant againſt all other Lords above him of every manner of Service. And if the Tenant hath done Homage to his Lord, and is impleaded, and vouches the Lord to Warranty, the Lord is bound to warrant him: And if the Tenant loſe, he ſhall recover in Value againſt the Lord ſo much of the Lands as he had at the Time of the Voucher, or at any Time after. Alſo if a Man that holds his Land by Homage auncestrel alien the Lands in fee, then the Alienee ſhall do Homage to his Lord; but he ſhall not hold by Homage auncestrel, for that the Continuance of the Tenancy in the Blood of the firſt Tenant is diſcontinued.

Homagio reſpectuando.

HOmagio *reſpectuando* eſt un Brief direct al Eſcheatour, luy mandant pur deliver Seiſin al Heire de ſes Terres a ſon plein age, coment que ſon *Homage* ne ſoit fait. De que veies *Fitzh. N. B. fol.* 269. *A.*

Homagio reſpectuando.

HOmagio reſpectuando is a Writ directed to the Eſcheator, commanding him to deliver Seiſin to the Heir of his Lands at his full Age, although he hath not made his Homage. Of which ſee Fitzh. N. B. fol. 269. A.

Homeſoken.

Homeſoken.

HOmeſoken, or Hameſoken, is, to be quit of Amerciaments for Entring into Houſes violently and without Licence, and contrary to the Peace of the King: And that you hold Plea of ſuch Treſpaſs done in your Court, and in your Land.

Homicide, or Manſlaughter.

HOmicide or Man-ſlaughter, is, the Killing of a Man feloniouſly, without malice forethought. It is alſo defined thus, Homicide is the Killing of a Man by a Man. But if it be done by a Dog, Ox, or other Thing, it is not properly called Homicide. It is called Homicidium, ab homine & cædo, quaſi Hominis cædium.

Homine capto in Withernamium.

HOmine capto in Withernamium, is a Writ to take him that hath taken any Bond-man or Woman, and led him or her out of the County, ſo that he or ſhe cannot be replevied according to Law. Reg. Orig. fol. 79. a.

Homine replegiando.

HOmine replegiando is a Writ to deliver Men out of Priſon upon Bail. In what caſes it lies, and in what not, ſee in Fitz. N. B. f. 66. E. and ſee here in the Title of Replevin in the End.

Homeſoken.

HOmeſoken, ou *Hameſoken*, eſt quietum eſſe de Amerciamentis de Ingreſſu hoſpitiorum violenter & ſine licentia, & contra pacem Domini Regis: Et quod teneatis Placita de hujuſmodi Tranſgreſione facta in Curia veſtra, & in Terris veſtris.

Homicide, ou *Manſlaughter.*

HOmicide ou *Manſlaughter*, eſt l' *Occider* de un *home* feloniouſment, ſans malice prepenſe. Il eſt auxy define iſſint, *Homicidium eſt hominis occiſio ab homine facta. Si autem a Cane, Bove aut alia re fiat, non dicitur proprie Homicidium. Dicitur Homicidium ab homine & cædo, quaſi hominis cædium.*

Homine capto in Withernamium.

HOmine capto in Withernamium, eſt un Brief de prender luy que ad priſe aſcun Villaine ou Nief, & trahe luy ou el hors del Countie, iſſint que il ou el ne poit eſtre replevie accordant al Ley. *Reg. Orig. f. 79. a.*

Homine replegiando.

HOmine replegiando eſt un Brief per le bailer des homes hors del priſon. En queux caſes giſt, & en queux nemy, veies *Fitz. N. B. f. 66. E.* & veies hic Tit. *Replevin*, in fine.

Honour.

HOnour, pret' le general ſignification, eſt uſe ſpecialment pur le pluis noble ſort de Seigniorie, de que auter inferiour Seigniories ou Mannors dependant pur performance des Cuſtomes & Services, un ou auter, al ceux que ſont Seigniours de ceux. Et ſemble que la ſont nuls *Honours* forſque ceux que originalment apperteinont al Roy; uncore ils poient en apres eſtre done en fee al Noblehomes. Le manner del Creation de ceux Honours poit en part eſtre collect hors des Statutes de *An.* 31 *Hen.* 8 *cap.* 5. lou *Hampton Court* eſt fait un *Honour*; & *Anno* 33. *ejuſd cap.* 37, & 38. per que *Ampthil* & *Grafton* ſont auxy faits *Honours*; & *An.* 37 *ejuſd. cap.* 18. per que le Roy ad poyar done a luy per ſes Letters Patents de erecte quater ſeveral *Honours*, *Weſtminſter*, *Kingſton* ſur *Hull*, *S. Oſith s* en *Eſſex*, & *Dodington* en *Berkſhire*.

Hornegeld.

HOrnegeld eſt, quietum eſſe de quadam Conſuetudine exacta per Tallagium per totam Terram de quacunque Beſtia cornuta.

Hors de ſon Fee

HOrs *de ſon Fee* eſt un exception pur avoider un Action pur Rent iſſuant hors del certein Terre, per luy que pretend de eſtre Seignior, ou pur quelque Cuſtomes ou Services; car ſi il poit juſtifie que le Terre eſt *hors de ſon Fee*, le Action moruſt. *Broke*, *hoc. Tit.* 7, 8. *&* 1 *Inſtitut.* 1. *b.*

Honour.

HOnour, beſides the general Signification, is uſed ſpecially for the moſt Noble ſort of Lordſhips, whereof other inferiour Lordſhips or Manors depend by performance of Cuſtoms and Services, ſome or other, to thoſe that are Lords of them. And it ſeems there are no Honours but thoſe which originally appertained to the King; yet they may afterward be given in Fee to Noblemen. The manner of Creating theſe Honours may in part be collected out of the Statutes of Anno 31 Hen. 8. chapter 5. where Hampton-Court is made an Honour; and Anno 33 ejuſd. cap. 37. & 38. whereby Ampthil and Grafton are likewiſe made Honours; and An. 37 ejuſd. cap. 18. where the King hath Power given him by his Letters Patents to erect four ſeveral Honours, Weſtminſter, Kingſton upon Hull, S. Oſithes in Eſſex, and Dodington in Berkſhire.

Hornegeld.

HOrnegeld is, to be quit of certain Cuſtom exacted by Tallage through all the Land, of whatſoever horn'd Beaſts.

Hors de ſon Fee.

HOrs de ſon Fee, is an Exception to avoid an Action for Rent iſſuing out of certain Land, by him who pretends to be the Lord, or for ſome Cuſtoms or Services; for if he can juſtifie that the Land is without the Compaſs of his Fee, the Action falls. Broke hoc Tit. 7, 8. and 1 Inſtitut. 1. b.

Hoſpitallers.

HOſpitallers (Hoſpitularii) an Order of Knights firſt founded at Jeruſalem, and called the Joannites or Knights of St. John of Jeruſalem; and they were called Hoſpitallers, for that they built an Hoſpital at Jeruſalem for the Entertainment of all ſuch as from any Part of the World came to viſit the Holy Places, and did guard and protect ſuch Pilgrims in their Journies. The Inſtitution of their Order was firſt allowed by Pope Gelaſius the ſecond, about the Year 1118. And they had many Privileges granted them, as Immunities from Payment of Tithes, &c. And for theſe they are often mentioned in our Books. You ſhall find their Privileges reſerved to them in Magna Charta, cap. 37. And you ſhall ſee the Right of the King's Subjects vindicated from the Uſurpation of their Juriſdiction by the Statute of Weſt. 2. cap. 34. Their chief Abode is now in the Iſland of Melita, commonly called Malta, given them by the Emperor Charles the Fifth: And for that they are now called Knights of Malta. All the Lands and Goods of theſe Knights here in England were put in the Diſpoſition of the King by the Statute of 32 H. 8. cap. 24.

Hoſtler.

HOſtler is an Innholder. Coke Ent. 347.

Hotchpot.

HOtchpot is a Blending or Miring together, and a Partition of Lands given in Frank-

Hoſpitallers.

H*Oſpitallers* (*Hoſpitularii*) un Order des Chivalers primes foundue al *Jeruſalem*, & appelles *Joannites* ou Chivalers de S *John de Jeruſalem*; & fueront appelles *Hoſpitallers*, pur ceo que ils edifie un Hoſpital al *Jeruſalem* pur le interteinment de ceux que veignont des touts parts del munde pur viſiter les Sacred lieus, & ils guardont & defend tiels Pilgrims en lour Journies. Le Inſtitution de ceſt Order fuit primes allow per Pape *Gelaſius* 2. entour le an 1118. Et ils avoient mults Privileges grantus as eux, come immunities del payment des diſmes, *&c.* Et pur ceux ils ſont pluſors foits mentions en noſtre Livers. Troveres lour Privileges as eux reſerves in *Mag. Char. c.* 37. Et poies veier le Droit des ſubjects le Roy vindicate del Uſurpation de lour Juriſdiction per le Statute *Weſtm.* 2. *cap.* 34. Lour chief Reſidence eſt ore en le Iſle de *Melita*, uſualment appel *Malta*, done as eux per le Emperor *Charles* le cinquieſme: Et pur ceo ſont appels ore *Chivalers de Malta*. Touts les Terres & Biens de ceux Chivalers icy en *Angleterre* fueront miſes en le diſpoſition le Roy, per le Stat. de 32 *H.* 8. *cap.* 24.

Hoſtler

H*Oſtler* eſt un Inholder. *Coke Entr.* 347.

Hotchpot.

H*Otchpot* eſt un Medling ou Mixing enſemble, & un partition de Terres done en

Frank-

Frank-marriage, oveſque auters Terres en Fee-ſimple diſcendus. Pur example, Un home ſeiſie de 30 acres de Terre en Fee ad iſſue deux Files, & done oveſque un de ſes Files al un home que luy marrie, 10 acres de ceo en Frank-marriage, & moruſt ſeiſie de les auters 20 acres. Ore ſi el que eſt iſſint marrie voilloit aver aſcun part de les 20 acres de que ſa Pere moruſt ſeiſie, el doit mitter ſes Terres done en Frank marriage en *Hotchpot*, ceo eſt adire, el doit refuſer de prender les ſole Profits del Terre dona en Frank-marriage, & ſuffer le Terre de eſtre commixt & mingle enſemble oveſque le auter Terre de que ſa Pere moruſt ſeiſie, iſſint que un equal Diviſion poit eſtre fait de lentire perenter luy & ſa Soer. Et iſſint pur ſa x acres el avera xv, auterment ſa Soer voit aver les xx acres de queux lour Pere moruſt ſeiſie.

Marriage, with other Lands in Fee-ſimple deſcended. For Example; A Man ſeiſed of thirty Acres of Land in Fee hath Iſſue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acres of the ſame Land in Frank-marriage, and dies ſeiſed of the other twenty Acres. Now if ſhe that is thus married will have any Part of the twenty Acres whereof her Father died ſeiſed, ſhe muſt put her Lands given in Frank-marriage in Hotchpot, that is, ſhe muſt refuſe to take the ſole Profits of the Land given in Frank-marriage, and ſuffer the Land to be commixt and mingled together with the other Land whereof her Father died ſeiſed, ſo that an equal Diviſion may be made of the whole between her and her Siſter. And thus for her x Acres ſhe ſhall have xv; elſe the Siſter will have the xx Acres of which their Father died ſeiſed.

Houſebote.

H*Ouſebote* eſt neceſſarie Meriſme que le Leſſee pur ans ou pur vie, de common droit, poit prender ſur le Terre, a repairer les Meaſons ſur meſme le Terre a luy leſſa, nient obſtant il ne ſoit expreſſe en le Leaſe, & nient obſtant il ſoit un Leaſe per Parol, ſans Fait. Mes ſi il priſt pluis que beſoign, il poit eſtre puniſh per un Action de Waſte.

Houſebote.

HOuſebote is neceſſary Timber that the Leſſee for Years or for Life, of common Right, may take upon the Ground, to repair the Houſes upon the ſame Ground to him leaſed, although it be not expreſſed in the Leaſe, and though it be a Leaſe by Word without Deed. But if he take more than is needful, he may be puniſhed by an Action of Waſte.

Hue & Crie.

H*Ue & Crie* eſt un Purſuit de un aiant commit Felonie per le Haut chimin: Car

Hue and Cry.

HUe and Cry is a Purſuit of one having committed Felony by the High-way: For

if the Party robbed, or any in the Company of one that was murthered or robbed, comes to the Conſtable of the next Town, and wills him to raiſe Hue and Cry, or to make Purſuit after the Offender, deſcribing the Party, and ſhewing as near as he can, which Way he is gone; the Conſtable ought forthwith to call upon the Pariſh for Aid in ſeeking the Felon; and if he be not found there, then to give Warning to the next Conſtable, and he to the next to him, until the Offender be apprehended, or at leaſt until he be ſo purſued to the Sea-ſide. Of this ſee Bract. lib. 3. tract. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Wincheſter, made Anno 13 E. 1. and the Statute of 28 E. 3. cap. 11. and An. 27 El. cap. 13.

Huers.

HUers. See Conders.

Hundred.

HUndreds were divided by King Alfred, after he had divided the whole Realm into certain Parts or Sections, which of the Saxon Word Scyran, ſignifying to cut, be termed Shires, or (as we yet ſpeak) Shares and Portions. Theſe Shires he alſo divided into ſmaller Parts; whereof ſome were called Lathes, of the Word Gelathian, which is to aſſemble together: Others Tithings, becauſe there were in each of them to the Number of Ten Perſons, whereof each one was Surety and Pledge for others good abearing: Others Hundreds, becauſe they contained Juriſdiction over one Hundred

ſi le Partie rob, ou aſcun en le companie de un que fuit murdre ou rob, vient al Conſtable del prochein Ville, & luy commanda de faire *Hue & Crie*, ou de faire Purſuit puis le Offendor, deſcribant le partie, & cy pres que il poit, monſtrans quel voy il eſt ale; le Conſtable doit immediatement de appeller ſur le Paroche pur aid en querance le Felon; & ſi il ne ſoit trove la, donque de doner garrant al prochein Conſtable, & il ad prochein a luy, jeſque le Offendor ſoit apprehend, ou al moins jeſque il ſoit eſte purſue al Latere de Mere. De ceo veies *Bract. l. 3. tr. 2. c. 5. Smith de Repub. Angl. l. 2. c. 20.* & le Statute de *Wincheſt.* fait *An. 13 E. 1.* & le Stat. de *28 E. 3. c. 11.* & *An. 27 El. c. 13.*

Huers.

HUers. Veies *Conders.*

Hundred.

HUndreds fueront divide per *Alfred* le Roy, apres que il ad divide le entire Realme en certaine parts ou ſections, le quel de le *Saxon* parol *Scyran*, ſignificant de ſcinder, il terme *Shires*, ou (ſicome nous uncore parle) *Shares* & Portions. Ceux *Shires* il auxy divide en Petits parts; de queux aſcuns fueront appelles *Lathes*, de le parol *Gelathian*, que eſt de aſſembler enſemble: auters *Tithings*, pur ceo que la fueront en cheſcun de eux al number de Dize perſons; de que cheſcun fuit Suretie & Pledge pur auters bone behaviour: Auters *Hundreds*, pur

ceo

ceo que ils containe Juriſdiction ſur un Hundred homes ou Pledges, demurrant peradventure en deux, ou trois, ou pluis Paroches, Boroughs, ou Villes, eſteant & adjoynant niens meins procheine enſemble, en le quel il appoint adminiſtration de Juſtice deſtre exerciſe ſeveralment enter eux de meſme le Hundred, & nemy que le un ira hors diſorderment en le auter Hundred, Lathe, ou Tithing, en que il ne demurt.

Ceux *Hundreds* continue a ceſt jour en force, nient obſtant ne en tout al meſme le purpoſe pur que al primer ils fueront ordeine, uncore a ore mult neceſſarie, & en temps de Peace pur bone order de Government divers voies, & en Guerre pur certaintie de levying de homes; come auterment pur le pluis ſpeedie Collection des Payments grant en Parliament a les Roys de ceo Realme.

Hundred-Lagh.

H*Undred-Lagh* ſignifie le Hundred-Court, de quel touts les Officers del Forreſt le Roy fueront exempt per le Chartre de *Canutus, cap.* 9.

Hundredors.

H*Undredors, Hundredarii,* ſont Homes empanel ou apt de eſtre empanel en un Jury ſur un Controverſy, demurrant en le *Hundred* lou le terre en queſtion giſt, *Cromp Jur.* 217. & 35 *H.* 8. *c.* 6. Auxy il ſignifie celuy que avoit le Juriſdiction de un *Hundred*, & tient le *Hundred* Court: Et aſcun foits il eſt priſt pur un Bailiff de un Hundred, or Pledges, dwelling peradventure in two, or three, or more Pariſhes, Boroughs, or Towns, lying and adjoining nevertheleſs ſomewhat near together, in which he appointed Adminiſtration of Juſtice to be exerciſed ſeverally among them of the ſame Hundred, and not that one ſhould run out diſorderly into another's Hundred, Lathe, or Tithing, wherein he dwells not.

Theſe Hundreds continue to this Day in Force, although not altogether to the ſame Purpoſe whereunto at firſt they were appointed, yet ſtill very needful, both in Time of Peace for good Order of Government divers Ways; and in War for Certainty of levying Men; as alſo for the more ready Collection of Payments granted in Parliament to the Kings of this Realm.

Hundred-Lagh.

HUndred-Lagh ſignifies the Hundred Court, from which all the Officers of the King's Forreſt were freed by the Charter of Canutus, cap. 9.

Hundredors.

HUndredors, Hundredarii, are Men impanel'd, or fit to be impanel'd on a Jury upon a Controverſy, dwelling in the Hundred where the Land in Queſtion lies, Cromp. Jur. 217. & 35 H. 8. c. 6. It alſo ſignifies him that hath the Juriſdiction of an Hundred, and holdeth the Hundred-Court: And ſometimes it is taken for the Bailiff of an Hun-

Hundred, Horn's Mirrour of Juſt. Lib 2. cap. Office del Coroner.

Hundredum.

HUndredum is, to be quit of Money or Cuſtoms to be paid to Governors and Hundredors.

Hurſt.

HUrſt is a little Wood.

Husfaſtene.

HUsfaſtene (quaſi Domi fixus) is he that holds Houſe and Land. Bract. lib. 3. tract. 2. c. 10.

Huſtings.

HUſtings (Huſtingum) is a Court of Common-Pleas held before the Mayor and Aldermen of London, and it is the high-eſt Court they have, for Error or Attaint lies there of a Judgment or falſe Verdict in the Sheriff's Court, as it appears by Fitz. N. B. 22. H. &c. and the Statute of 11 H. 7. cap. 21. And other Cities and Towns have had a Court of the ſame Name, as Wincheſter, Lincoln, York, and Sheppy. So called from the Saxon Hus, Domus, and Thing, Cauſa; quaſi Domus Cauſarum.

Hydegild.

HYdegild is a Price or Ranſom to be paid for the ſaving of his Skin from being beaten.

Hythe.

HYthe is a Port or Haven to imbark or land Merchandiſe, as Queen-hythe, Lamb-hythe, &c.

Hundred. Horn's Mirrour de Juſt. l. 1. c. Office del Coroner.

Hundredum.

H*Undredum* eſt, quietum eſſe de Denariis vel Conſuetudinibus faciendis Præpoſitis & Hundredariis.

Hurſt.

H*Urſt* eſt un petit Boſc.

Husfaſtene.

H*Usfaſtene (quaſi Domi fixus)* eſt il que tient Meaſon & Terre. *Br. l. 3. tr. 2. c. 20.*

Huſtings.

H*Uſtings (Huſtingum)* eſt un Court de Common-Plees tenus devant le Maior & Aldermen de *Londres*, & eſt le plus hault Court que ils ont, car Error ou Attaint giſt la dun Judgement ou faux Verdict en le Court le Viſcount, come appiert per *Fitzh. N. B. 22 H. &c.* & per le Statute de *11 H. 7. c. 21.* Et auters Cities & Boroughs ont ew un Court de meſme le noſme, come *Wincheſter, Lincoln, York*, & *Sheppy*. Iſſint appelle de le *Saxon Hus, Domus*, & *Thing, Cauſa*; *quaſi, Domus Cauſarum.*

Hydegild.

H*Ydegild* eſt un price ou ranſom de eſtre pay pur le ſalver de ſon pel de eſtre batus.

Hythe.

H*Ythe* eſt un Port ou petit Haven al embarker ou mitter Merchandiſe ſur le terre, come *Queen-hythe, Lamb hythe*, &c.

I.

Idemptitate, ou *Identitate nominis*.

I *Demptitate nominis* eſt un Brief que giſt lou Brief de Det, Covenant, Accompt, ou tiel ſemble Brief eſt port vers un home, & un auter que ad meſme le noſme ove le Defendant eſt pris pur luy ; donques il avera ceſt Brief per que le Viſcount ferra inquirie devant le Juſtice aſſigne in meſme le Countie, ſi ſoit meſme le perſon ou nemy ; & ſil ne ſoit trove le partie, donques il alera ſans jour en peace.

Ideot.

I *Deot* eſt celuy que eſt un Sot natural de ſa neiſtre, & ne ſcavoit de accompter xx d. ou noſme de ſon Pere ou Mere, ne de quel age luy meſme eſt, ou tiel ſemblable plain common choſes, iſſint que il appiert que il nad aſcun manner de Intendment, reaſon, ou government de luy meſme. Mes ſi il poit lier, ou apprehender de lier per inſtruction & information des auters, ou poit meaſure un Ulne de drape, ou noſme les Jours en le ſemaigne, ou engender un Enfant, ou tiel ſemblable, per que il poit appear que il ad aſcun lumen de Reaſon ; tiel neſt *Ideot* naturalment.

I.

Idemptitate, *or* Identitate nominis.

IDemptitate nominis is a Writ that lies where a Writ of Debt, Covenant, or Account, or ſuch other Writ is brought againſt a Man, and another that hath the ſame Name with the Defendant, is taken for him ; then he ſhall have this Writ, by which the Sheriff ſhall make Inquiry before the Juſtice aſſigned in the ſame County, if he be the ſame Perſon or not ; and if he be not found to be the Party, then he ſhall go without Day in Peace.

Ideot.

IDeot is he that is a Natural Fool from his Birth, and knows not how to count Twenty Pence, or name his Father or Mother, nor tell his own Age, or ſuch like eaſie and common Matters, ſo that it appears he hath no Manner of Underſtanding, Reaſon, or Government of himſelf. But if he can read, or learn to read by Inſtruction and Information of others, or can meaſure an Ell of Cloth, or name the Days of the Week, or beget a Child, or ſuch like, whereby it may appear he hath ſome Light of Reaſon ; ſuch a one is no Ideot naturally

Ideot

Ideota inquirendo vel examinando.

IDeota inquirendo is a Writ directed to the Sheriff of the County, to call before him the Party ſuſpected of Ideocy, and examine by the Oath of twelve Men, whether he have ſufficient Wit to diſpoſe of his own Lands, and to certify this into the Chancery: For the King hath Power by his Prerogative to diſpoſe of his Subjects Eſtates who are defective in their Underſtandings. 17 Ed. 2. c. 9. Reg of Writs 207.

Jeofail.

JEofail is, when the Parties to any Suit in Pleading have proceeded ſo far that they have joined Iſſue, which ſhall be tried, or is tried by a Jury or Enqueſt; and this Pleading or Iſſue is ſo badly pleaded or joined, that it will be Error if they proceed: Then ſome of the ſaid Parties may by their Counſel ſhew it to the Court, as well after Verdict given and before Judgment, as before the Jury is charged. And the Counſel ſhall ſay, This Enqueſt ye ought not to take. And if it be after Verdict, then he may ſay, To Judgment you ought not to go. And becauſe ſuch Niceties occaſioned many Delays in Suits, divers Statutes are made to redreſs them, as well in the Time of King H. 8. an. 32. c. 30. as of Queen Eliz. whereof we may ſay as the Civilians, That although *Conſtantine* the Emperor commanded the Forms of the Law to be cut off, yet the daily Uſe of Pleading doth ſeem again to

Ideota inquirendo vel examinando.

I*Deota inquirendo* eſt un Brief direct al Viſcount del County, de amener devant luy le Perſon ſuſpect de *Ideocy*, & al examiner luy ſur le ſerement de 12 homes, ſi il avoit ſufficient intellect a diſpoſer ſon Terres demeſne, & a certifier ceo en le Chancery. Car le Roy avoit poyer per ſon prerogative a diſpoſer des Eſtates de ſon Subjects que ſont defective en lour Intellects. 17 *Ed.* 2. *c.* 9. *Reg. del Br.* 207.

Jeofaile.

J*Eofaile* eſt, quand les parties al aſcun Suit en pleadant ont a tant proceed que ils ayant joyne Iſſue, quel ſerra trie, ou eſt trie per un Jurie ou Enqueſt; & cel Pleading ou Iſſue eſt cy malement plede ou joyne, que il ſerra Error ſi eux proceed: donque aſcun del dits parties poit pet lour Councel monſtre ceo al Court, auxy bien apres Verdict done & devant Judgment, come devant le Jurie ſoit charge. Et le Councel dirra, *Ceſt Enqueſt ne doit prender.* Et ſi ſoit apres Verdict, donques il poit dire, *al Judgment ne deves aler.* Et pur ceo que per tiels niceties mules delaies fueront en Suits, divers Statutes ſont faits de redreſſer ceo, auxy bien en temps de Roy *H.* 8. *an.* 32. *c.* 30. come en le temps le Roigne *Eliz.* de queux home poit dire come les Civilians, *Quod tametſi Juris formulae amputari jufſerit* Conſtantinus *Imperator, quotidianus tamen forenſis uſus*

eas revocaſſe videtur, vel potius, quod creſcunt ut Hydræ *capita.* Veies auxy ore un novel Statute de *Jeofailes*, fait en 21 *Jac.* c. 13.

recall them, or rather, ſome of them increaſe as the Heads of *Hydra.* See alſo now a new Statute of Jeofails, made in 21 Jac. c. 13.

Jetſam.

JEtſam eſt, quand un Nieſe eſt en peril deſtre merge, & pur disburden le Nieſe les Mariners *jetta* les biens en le Mer: Et puis nient obſtant le Nieſe periſh, nul de ceux biens que ſont appel *Jetſam*, *Floatſam*, ou *Lagan*, ſont appel *Wreck*, cy long come ils remain en ou ſur le Mer; mes ſi aſcun de eux ſont miſe al terre per le Mer, donque ils ſerront dit *Wreck*, & paſſe per le graunt de *Wreck*. *Coke*, *l.* 5. *f.* 106.

Jetſam.

JEtſam is, when a Ship is in Danger to be caſt away, and to diſburthen the Ship, the Mariners caſt the Goods into the Sea; and although afterward the Ship periſh, none of thoſe Goods called Jetſam, Floatſam, or Lagan, are called Wreck, as long as they remain in or upon the Sea; but if any of them are driven to Land by the Sea, there they ſhall be reputed Wreck, and paſs by the Grant of Wreck. Coke, l. 5. f. 106.

Jettezoons.

JEttezoons, ceo eſt mention en Policies de Inſurance, & ſignifie biens eject en le mere, en un grand ſtorm.

Jettezoons.

JEttezoons, This is mentioned in Policies of Inſurance, and ſignifies Goods thrown into the Sea in a great Storm.

Illoyal Aſſembly.

ILloyal *Aſſemblie* eſt, lou people eux aſſemble inſimul pur faire illoyal choſe enconter le Peace, nient obſtant que ils ne execute lour purpoſe en fait.

Unlawful Aſſembly.

UNlawful Aſſembly is, where People aſſemble themſelves together to do ſome unlawful Thing againſt the Peace, altho' they execute not their Purpoſe in Deed.

Imparlance.

IMparlance. Veies *Emparlance.*

Imparlance.

IMparlance. See Emparlance.

Imparſonee.

IMparſonee, come Parſon imparſonee eſt celuy que eſt induct & en poſſeſſion de un Benefice.

Imparſonee.

IMparſonee, as Parſon imparſonee is he that is inducted and in Poſſeſſion of a Benefice.

Impeachment de Waſte.

IMpeachment de Waſte, (*Impetitio Vaſti*) eſt tant adire come un Demand fait ou de-

Impeachment of Waſte.

IMpeachment of Waſte, (Impetitio Vaſti) is as much as to ſay a Demand made or to be made

made of Recompence for Waste done by a Tenant that hath but a particular Estate for Life or Years. And therefore he that hath such a Lease without Impeachment of Waste, hath by that a Property or Interest given him in the Houses and Trees, and may make Waste in them, without being impeached for it, that is, without being questioned, or Demand of any Recompence for the Waste done. See Coke, l. 11. Bowles Case, f. 82. b.

Implead.

IMplead cometh from the French Word Plaider, and signifieth to sue, arrest, or prosecute by due Course of Law.

Implements.

IMplements comes either from the French Word (Employer, to imploy, or from the Latin Implere, to fill up) and is used for Things of necessary Use in any Trade or Mystery, which are imployed in the Practice of the said Trade, or without which the Work cannot be accomplished. Also for Furniture with which the House is filled. And in that Sense you shall find the Word often in Wills and Conveyances of Moveables.

Impost.

IMpost is a French Word that signifies Tribute, but with us it is taken for the Tax that is paid the King for any Merchandise brought into any Haven from Places beyond the Seas. And it is used in the Statute of 31 Eliz. c. 5. as a Word of the same Signification with Custom which Merchants pay.

stre fait pur Waste fait per un Tenant que nad forsque un particular Estate pur vie ou pur ans. Et pur ceo cestuy que ad ciel Lease *sans Impeachment de Waste*, ad pur ceo un propertie ou interest a luy done en les Measons & Arbres, & poit faire Waste en eux sans estre *impeach* pur ceo, cestasavoir, sans estre question ou ascun Recompence de luy demand pur le Waste fait. Veies *Coke*, *l.* 11. en *Bowles Caste*, *f.* 82 *b.*

Implead.

Implead vient del Francois parol *Plaider*, & signifie de suer, arrester ou prosecuter per due course del Ley.

Implements.

Implements venust ou del parol *Francois* (*Employer*) ou del *Latine* (*Implere*) & est use pur choses necessarie destre use en ascun Trade ou Mysterie, queux sont *imployes* en le practice del dit Trade, ou sans queux l'ouvrage ne poit estre accomplish. Auxy pur le Furniture quibus *impletur* Domus. Et en ceo sense vous troveres le parol plusors foits en darreine Volunts & auters Conveyances des Moveables.

Impost.

Impost est un parol *Francois* que signifie Tribute, mes ove nous est prise pur le Tax pay al Roy pur ascun Merchandise emport en ascun Havre hors des lieus ouster le Mer. Et est use en le Statute de 31 *Eliz. cap.* 5. come un Synonymon ove *Custome* que Merchants payont.

Impriſonment.

IMpriſonment eſt le Reſtraint del Libertie d'un home, ſoit ceo en le overt Champs, ou en le Cippes ou Cage en les Streets, ou en le proper Meaſon de un home, cybien come en le common Goal. Et en touts ceux lieus le partie iſſint reſtrain eſt dit deſtre un *Priſoner*, cy longement come il nad ſon Libertie frankement d'ire a touts temps & lieus lou il voit, ſans Baile ou Mainpriſe.

Impriſonment.

IMpriſonment is the Reſtraint of a Man's Liberty, whether it be in the open Field, or in the Stocks or Cage in the Streets, or in a Man's own Houſe, as well as in the common Gaol. And in all theſe Places the Party ſo reſtrained is ſaid to be a Priſoner, ſo long as he hath not his Liberty freely to go at all times to all Places whither he will, without Bail or Mainprize.

Impropriation.

IMpropriation eſt properment quand le Advowſon eſt en les mains d'un Lay-home, & Appropriation quand en les mains d'un Eveſque, College, &c. Ils ſont en *Angleterre* 3845 Impropriations.

Impropriation.

IMpropriation is properly ſo called, when the Advowſon is in the Hands of a Layman, and Appropriation when in the Hands of a Biſhop, College, &c. There are in England 3845 Impropriations.

Incident.

INcident ſignifie un choſe neceſſairement dependant ſur un autre come pluis principal; ſicome un Court-Baron eſt iſſint incident al un Manour, & Court de Pipowders al un Fair que ils ne poent eſtre ſever per Grant; car ſi un Manour ou Fair ſont grant, ceux Courts ne poent eſtre ſever. *Kitch.* 36. *Co. Lit.* 151.

Incident.

INcident ſignifies a Thing neceſſarily depending upon another as moſt principal; as for Example, a Court-Baron is ſo incident to a Manor, and a Court of Pipowders to a Fair, that they cannot be ſevered by Grant; for if a Manor or Fair be granted, theſe Courts cannot be ſevered. Kitch. 36. Co. Lit. 151.

Incumbent.

INcumbent venuſt del *Latine* (*Incumbere*) & ſignifie ceſtuy que eſt preſent, admit, & inſtitute al aſcun Eſgliſe ou Benefice ove Cure; que eſt pur ceo appel l' *Incumbent* de ceo Eſgliſe, eo quod *incumbit* ad Curam animarum ibidem omni ſtudio.

Incumbent.

INcumbent comes of the Latin (Incumbere) and ſignifies him that is preſented, admitted and inſtituted to any Church or Benefice with Cure; who is therefore called the Incumbent of that Church, becauſe he doth bend all his Study to the Diſcharge of the Cure there.

Indi-

Indicavit.

INdicavit is a Writ or Prohibition that lies for the Patron of a Church, whose Clerk is Defendant in Court-Chriſtian in an Action for Tithes, commenced by another Clerk, and extending to the fourth Part of the Church, or of its Tithes: In which Caſe the Suit belongs to the King's Court, by Weſtm. 2. c. 5. Wherefore the Defendant's Patron (being like to be prejudiced in his Church and Advowſon, if the Plaintiff obtain in the Court-Chriſtian) has this means to remove it to the King's Court. Reg. orig. fol. 35. and Britton c. 109. This Writ is not returnable; but if they ceaſe not their Suit, he ſhall have an Attachment.

Inditement.

INditement. See Enditement.

Indorſement.

INdorſement is that which is written upon the Back of a Deed, as the Condition of the Obligation is ſaid to be indorſed, becauſe it is commonly written on the Back of the Obligation.

Induction.

INduction is a lay Act made by Precept of the Ordinary, by which actual Poſſeſſion of the Church is given to the Rector or Vicar after his Preſentation and Inſtitution to it.

Infangtheef.

INfangtheef is a Privilege or Liberty granted to Lords of certain Manors, to judge any Thief taken within their Fee.

Indicavit.

INdicavit eſt un Brief ou Prohibition que giſt pur un Patron d'un Egliſe, quel Clerk eſt Defendant en Court-Chriſtian en un Action pur Tithes, commence pur un aut' Clerk & extendant al quart part del Egliſe, ou ſes Tithes; en quel caſe le Suit appertein al Court le Roy, per *Weſtm.* 2. *c.* 5. Et pur ceſt cauſe le Patron del Defendant (eſteant en peril deſtre prejudice en ſon Egliſe & Advowſon, ſi le Plaintife gaine en le Court-Chriſtian) ad cel means a remover ceo al Court de Roy, *Reg. orig. f.* 35, & *Brit. c* 209. Ceſt Brief neſt retornable; mes ſils ne ceſſont lour Suit, il avera un Attachment.

Inditement.

INditement. Veies *Enditement.*

Indorſement.

INdorſement, eſt ceo que eſt eſcrie ſur le *Dorſe* d'un Eſcript; come le Condition d'un Obligation eſt dit deſtre *indorſe*, pur ceo que eſt communment eſcrie ſur le Dorſe del Obligation.

Induction.

INduction eſt un lay act fait per precept del Ordinary, per quel Actual poſſeſſion de Egliſe eſt done al Rector ou Vicar puis ſon Preſentation & Inſtitution a ceo.

Infangtheef.

INfangtheef eſt un Privilege ou Libertie concede al Seigniors del certein Mannors, pur juger aſcun Larons priſe deins lour Fee.

Information.

INformation pur le Roy est ceo que pur un common person est appel un *Declaration*; & nest touts foits fait directment per le Roy ou son Attorney, mes per un auter home, *qui tam pro Domino Rege quam pro seipso sequitur*, sur le breach d'ascun penal Ley ou Statute, en que un Penaltie est done al partie que voit sue pur ceo; mes nul Action de Det pur recover ceo, donque il doit estre ew per *Information*.

In grosse.

IN grosse est ceo que est absolute & independent, apperteinant al Person, & nemy al Manour ou Terres, come Villain in grosse, Advowson en grosse, &c. *Co. Lit.* 100. *b.*

Ingrosser.

INgrosser venust del parol *Francois Grosier*, id est, Solidarius venditor. Mes en nostre Ley un *Ingrosser* est un que achate Blees, Graine, Butre, Formage, Poisson, ou auter mort Victuals, ove un intent pur ceux vende arrere. Et issint il est define en le Stat. de 5 *E.* 6. *c.* 14. fait encounter tiel *Ingrosser*. Est auxi un Clerk qui escrit Records ou Instruments del Ley.

Inheritance.

INheritance est tiel Estate en Terres ou Tenements, ou autres choses, que poent estre inherit per le Heir; soit ceo d'Estate en Fee-simple, ou Taile, per Discent de ascun de ses Ancestors, ou per son Purchase demesne.

Information.

INformation for the King is that which for a common Person is called a Declaration; and is not always done directly by the King or his Attorney, but rather by some other Man, who sues as well for the King as for himself, upon the Breach of some penal Law or Statute, wherein a Penalty is given to the Party that will sue for the same; but no Action of Debt to recover it, therefore it must be had by Information.

In gross.

IN gross is that which is absolute and independing, belonging to the Person, and not to a Manor or Lands, as a Villain in gross, an Advowson in gross, &c. Co. Lit. 120. b.

Ingrosser.

INgrosser comes of the French Word Grosier, that is, one that sells by Whole-sale. But in our Law an Ingrosser is one that buys Corn, Grain, Butter, Cheese, Fish, or other dead Victuals, with an Intent to sell the same again. And so he is defined in the Stat. of 5 E. 6. c. 14. made against such Ingrossing. It is also a Clerk who writes Records or Instruments of Law.

Inheritance.

INheritance is such Estate in Lands or Tenements, or other Things, as may be inherited by the Heir; whether it be Estate in Fee-simple, or Tail, by Discent from any of his Ancestors, or by his own Purchase.

And

And it is divided into Inheritance Corporate, and Inheritance Incorporate.

Inheritance Corporate are Messuages, Lands, Meadows, Pastures, Rents, and such like, that have Substance in themselves, and may continue always: And these are called Corporal things.

Inheritance Incorporate are Advowsons, Villains, Ways, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Inheritance corporate.

Inhibition.

INhibition is a Writ to inhibit a Judge to proceed farther in the Cause depending before him.

And there is another Writ, where after the King's Presentment to a Benefice, he presents another, and inhibiteth the Bishop to give Induction to the first Presentee. Plo. Com. 528. See F. N. B. f. 39. where he puts Prohibition and Inhibition together. Inhibition is most commonly a Writ issuing forth of an higher Court-Christian to a lower and inferiour, upon an Appeal, Anno 24. H. 8. c. 12. and Prohibition out of the King's Court of Record at Westminster to a Court-Christian, or to an inferiour Temporal Court.

Injunction.

INjunction is an interlocutory Decree out of the Chancery, sometimes to give Possession to the Plaintiff for Defect of Appearance in the Defendant; sometimes to the ordinary Courts of the King, and sometimes to the Court-Christian, to stay Pro-

Et est divide en Inheritance Corporate, & Inheritance Incorporate.

Inheritance Corporate sont Messuages, Terres, Prees, Pastures, Rents, & tiels semblables, que ont substance en eux mesmes, & poient continuer tout temps: Et ceux sont appel choses Corporal.

Inheritance Incorporate sont Advowsons, Velleines, Ways, Commons, Courts, Piscaries, & tiels semblables, que sont ou poient estre appendant ou appurtenant al *Inheritance corporate.*

Inhibition.

Inhibition est un Brief de inhibiter un Judge de proceder ouster en le Cause dependant devant luy.

Et est auter Brief lou puis Presentment le Roy al Benefice il present auter & inhibite l'Evesque a faire Induction al primer Presentee. *Plo. Com.* 528. Veies *F. N. B. f.* 39. ou il mitta *Prohibition* & *Inhibition* ensemble. *Inhibition* est pluis communement un Brief issuant hors d'un pluis haut Court-Christian a un pluis base & inferior, sur un Appeal, *Anno* 24 *H.* 8. *c.* 12. & *Prohibition* hors del Court le Roy de Record al *Westminster* a un Court-Christian, ou a un inferior Court Temporal.

Injunction.

INjunction est un interlocutorie Decree hors del Chancerie, ascun foits a done Possession al Plaintife pur defect de Apparance en le Defendant, ascun foits al ordinaire Coure del Roy, & ascun foits al Court-Christian, de estop

Proceding en un Cause sur suggestion fait, que si le rigour del Ley prend lieu, est encounter Equitie & Conscience en cel Case. Veies *West. part.* 2. *tit. Proceedings in Chancerie, sect.* 25.

ceeding in a Cause upon Suggestion made, that if the Rigour of the Law take place, it is against Equity and Conscience in that Case. See West. part. 2. tit. Proceedings in Chancery, Sect. 25.

Inlagarie.

INlagarie ou *Inlagation* est le Restitution de un Utlawe al Protection del Roy, ou al benefit ou condition de un Subject.

Inlagary.

INlagary or Inlagation, is a Restitution of one outlawed to the King's Protection, or to the Benefit and Condition of a Subject.

Inlaugh.

INlaugh signifie luy que est *sub Lege*, en quelque Frankplege, nemy utlaw; de quel veies *Bract. l.* 3. *tract.* 2. *c.* 11.

Inlaugh.

INlaugh signifies him that is sub Lege, in some Frankpledge, not Out-law; of whom see Bract. l. 3. tract. 2. c. 11.

Inmates.

INmates sont ceux persons de un Familie que sont permittes pur vener & inhabiter en un Cottage ensemble ove un auter Familie, per que les povers del Parish serront increase. Et pur ceo per le Statute de 31 *Eliz. c.* 7. la est un Penaltie de dize souls per mois impose sur chescun que receivera ou continuera tiel *Inmate.*

Inmates.

INmates are those Persons of one Family that are suffered to come and dwell in one Cottage together with another Family, by which the Poor of the Parish will be increased. And therefore by the Statute of 31 Eliz. c. 7. there is a Penalty of Ten Shillings a Month set upon every one that shall receive or continue such an Inmate.

Innotescimus.

INnotescimus sont Letters Patent issint appel, queux sont touts foits de un Charter de Feofment, ou ascun auter Instrument nient de Recorde, issint dit del parols en le conclusion, *Innotescimus per præsentes*; Et ceo nient differ del un Vidimus. 5 *Co. Page's Case.*

Innotescimus

INnotescimus are Letters Patent so stiled, which are always of a Charter, Feoffment, or some other Instrument not of Record, so called from the Words in the Conclusion, Innotescimus per præsentes. And do not differ from a Vidimus. 5. Co. Page's Case.

Inquisition.

INquisition. Veies *Enquest.*

Inquisition.

INquisition. See Enquest.

Inrolment.

Inrolment.

INrolment is the Regiſtring, Recording, or Entring of any Act or Deed in the Chancery, or elſewhere, as of a Recognizance, Fine, Statute or Deed indented by the Statute of 27 H. 8. c. 16. by which a Freehold ſhall paſs.

Inſpeximus.

INſpeximus are Letters Patent, ſo called becauſe they begin after the Title of a King with theſe Words, Inſpeximus: and are the ſame with an Exemplification. Co. 5. Rep. Page's Caſe.

Inſtant.

Inſtant (in Latin Inſtans) is defined by the Logicians, A Thing not dividable in Time, which is not any Time, nor part of Time, to which yet the parts of Time are conjoined, and much conſidered in the Law: And though it cannot be actually divided, yet in Conſideration and Conceit it may be divided and applied to ſeveral purpoſes, as if they were ſeveral Times; whereof ſee in Plowden's Commentaries in the Caſe between Fulmerſton and Stuard, where the Statute of 31 H. 8. (which enacted, That if an Abbot within a Year before the Statute had letten Lands to one, who at the Time of making that Leaſe had the ſame Land to farm for a Term of Years, then not expired, that the Leſſee ſhould have that Land for twenty-one Years) is expounded.

And there it is debated, That when the Termor takes the ſecond Leaſe, he ſurrenders his former Term; and ſo at the ſame inſtant of taking the ſecond Leaſe,

Inrolment.

I*Nrolment* eſt le Regiſter, Recorder, ou Enter d'aſc' Act ou Fait en le Chancerie ou auters, come d'un Recognisſance, Fine, Statute, on Fait indent per le Statute de 27 *H.* 8. *c.* 16. per que un Frank-tenement paſſera.

Inſpeximus.

I*Nſpeximus* ſont Letters Patent, iſſint dit pur ceo que commence puis le Title le Roy ove ceux parols *Inſpeximus*; & eſt tout un ove Exemplification. *Co. 5. Rep. Page's Caſe.*

Inſtant.

I*Nſtant* (en *Latine*, *Inſtans*) eſt define per les Logicians, *Unum indiviſible in Temp'*, *quod non eſt Tempus*, *nec pars Temporis*, *ad quod tamen partes Temporis copulantur*, & mult conſider en Ley; & comment ne poit actualment eſtre divide, uncore en conſideret' & conceit il poit eſtre divide, & apply al ſeveral purpoſes, ſicome ſueront ſeveral temps, de quel veies en *Plowden's Commentaries* en le Caſe enter *Fulmerſton* & *Stuard*, lou le Statute 31 *H* 8. (que enact, Que ſi Abbe deins un an devant ceſt Statute leſſa Terre al un, que al temps del feaſance de meſme le Leaſe eyt meſme le Terre al ferme pur terme de ans, donque nient expire, que le Leſſee avera ceſt Terre ſolement pur vint un ans) eſt expound.

Et la eſt debate, Que quant Termor prent le ſecond Leaſe, il ſurrender ſon form' terme, & ſic al meſme temps del priſel del ſecond Leaſe, le former

mer terme eſt expire. Et en le Caſe enter *Petit* & *Hales*, ceſtuy que occide luy meſme, tanque ſoit mort ne feſoit Felonie, & quant fuie mort ne eſt en eſſe, iſſint que poit eſtre dit Felon, mes al *inſtant* eſt en Ley adjudge Felon.

Et ſont mults Caſes en Ley, lou l'*inſtant* temps, que eſt indiviſible en nature, en conſideration del ment & intendment del Sages del Ley eſt divide; ſur queux ſurde mults aguments de grand uſe & profound learning.

Inſtitution.

INſtitution eſt un Faculty fait per l' Ordinarie per quel un Vicar ou Rector eſt approve de eſtre induct al Rectoie ou Vicarage.

Quand l'Eveſque inſtitue un Clerc, qui eſt preſente a aſcun Benefice, il luy dit, *Inſtituo te Rectorem talis Eccleſiæ, cum cura animarum, & accipe curam tuam & meam.* Chaque Rectorie conſiſte d'un Spiritualtie & d'un Temporalitie: Quant al Spiritualtie, *viz.*, le Cure des Ames, il eſt Parſone complet, per l'Inſtitution; mes quant al Temporalities come Gleabterres, *&c.* il nad Franc-tenement en eux jeſque al Induction. Le primer Commencement d'Inſtitution ſuit en un nationel Synode tenus a *Weſtminſter* per *Jean de Crema*, le Legat du Pape, en le Ann 1124. Veies *Selden's* Hiſtoire de Diſmes, *pag* 375.

Inſuper.

INſuper eſt un parol uſe per les Auditors en lour Accounts en le Exchequr, quand ils oiont tant remain *inſuper*

the former Term is expired. And in the Caſe between Petit and Hales, he who kills himſelf commits not Felony till he be dead, and when dead, he is not in being ſo as to be termed a Felon, but at the Inſtant is in the Law ſo adjudged.

And there are many other Caſes in Law, where the Inſtant time that is not dividable in Nature, in the Conſideration of the Mind and underſtanding of the Sages of the Law is divided; upon which ariſe many Arguemnts of great uſe and profound Learning.

Inſtitution.

INſtitution, is a Faculty made by the Ordinary, by which a Vicar or Rector is approved to be inducted to a Rectory or Vicarage.

When the Biſhop inſtitutes a Clerk, who is preſented to a Benefice, he ſays to him, Inſtituo tuo te Rectorem talis Eccleſiæ cum cura animarum, & accipe curam tuam & mean. Every Rectory conſiſts of a Spirituality and a Temporality: As to the Spirituality, viz, the Cure of Souls, he is a compleat Parſon by Inſtitution; but as to the Temporalities, Glebe-Land, &c. he has no Freehold therein till Induction. The firſt Beginning of Inſtitution to Benifices was in a national Synod held at Weſtminſter by John de Crema, the Pope's Legate, in the Year 1124. See Selden's Hiſtory of Tithes page 375.

Inſuper.

INſuper is a Word uſed by the Auditors in their Accounts in the Exchequer, when they ſay, ſo much remains inſuper to ſuch an Accountant

ccountant, i. e. ſo much remains ue upon ſuch an Account. Stat. Jac. cap. 2.

Intercommoning.

Ntercommoning is where the Commons of two Manors ſo near, that the Inhabitants both have Time out of Mind paſtured their Cattel promiſcuouſly.

Interdiction.

Nterdiction has the ſame ſignification in the Common as the Canon Law, where it thus defined, Interdictio eſt ſura Eccleſiaſtica prohibens miniſtrationem Divinorum. And it is uſed, 23 H. 8. cap. 12.

Intereſt.

Nereſt is vulgarly taken for a Term or real Chattel; but ſtrictly for a future Term, in pleading he is ſaid to be ſeſſed de intereſſe termini. But ſtrictly in a legal Senſe it nifies the Eſtate, Right or tle which any one hath to or t of Lands. Co. Lit. 345. b.

Interlocutory.

terlocutory, as an Interlocutory Order, Ordo interlocutorius, is an Order which decides the Cauſe, but only ſettles ne intervening Matter relating it: As when an Order is made, a Motion in Chancery, for Plaintiff to have an Injunction to quiet his Poſſeſſion till the ring of the Cauſe; This or ſuch Order, not being final, nterlocutory.

a tiel Accountant, *i. e.* tant remain due ſur tiel Account. *Stat.* 21. *Jac. cap.* 2.

Intercommoning.

I*Ntercommoning* eſt lou les Commons de deux Manours giſant cy pres, que les Inhabitants de ambideux ont temps d'ont memory depaſture leur Avers enſemble.

Interdiction.

I*Nterdiction* ad le meſme ſignification en le Common come en le Canon Ley, ou il eſt iſſint define, *Interdictio eſt Cenſura Eccleſiaſtica prohibens adminiſtrationem Divinorum.* Et iſſint il eſt uſe, 22 *H.* 8. *c.* 12.

Intereſt.

I*Nтereſt* eſt communement priſe pur un Term ou real Chattel; mes pluis particulerment pur un Term a venir, & en pleading eſt dit de eſtre poſſeſs *de intereſſe termini.* Mes ſtrictment en un legal ſenſe il ſignifie le Eſtate, droit ou title que aſcun avoit al ou hors de Terres. Co. *Lit.* 345. *b.*

Interlocutorie.

I*Nterlocutorie*, come un interlocutorie Order, *Ordo interlocutorius*, eſt un Order qui ne decide le Cauſe, mes ſolement regle aſcun interveignant Matiere concernant ceo: Come quand un Order eſt fait, ſur Motion en Chancerie, que le Plaintiff avera un Injunction, pur le quieter de ſon Poſſeſſion, jeſque al Oyer del Cauſe: Ceo, ou aſcun tiel Order, n'eſteant final, eſt interlocutorie.

Inteſtates.

INteſtates ſont de deux ſorns; 1. Ceux que font nul Teſtaments. 2. Ceux que font Teſtaments, & noſmont Executors, mes ils refuſe, en quel caſe il eſt dit de morer inteſtate, & le Ordinary poet commit Adminiſtration. *Co. 2. Inſt.* 397.

Intruſion.

INtruſion eſt un Brief que giſt vers celuy que enter apres le mort le Tenant en Dower, ou aſcun auter Tenant pur vie, & tenuſt hors celuy en le Reverſion ou Remainder. Veies pur ceo *Fitz. N. B. fol* 203. *E.* Et cheſcum Entry ſur le poſſeſſion le Roy eſt appel un *Intruſion*; come lou le Heir le Tenant le Roy enter apres Office, & devant Liverie, ceo eſt dit un *Intruſion* ſur l'Roy, come appiert en *Staundf. Prerog fol.* 40. & mults auters Livres.

Inventarie.

INventerie eſt un Catalogue ou recital en eſcript des touts les Biens & Chattels dun que eſt mort, ove le valuation de eux per quat' credible perſons, le quel cheſc' Executor & Adminiſtrator doit exhibit al Ordinarie al temps appoint.

Joyntenants.

JOyntenants ſont, lou deux homes vienent as aſc' Terres ou Tenements per un *joynt Title*; come ſi home done Terres a deux homes & lour Heires.

Tenants en common ſont, lou deux ont Terres per ſeveral Titles, ou per Feoffment al deux, a aver & tener l'un

Inteſtates.

INnteſtates are of two Sorts; 1ſt, Thoſe which make no Wills. 2d. Thoſe which make Wills, and name Executors, but they refuſe; in which Caſe he is ſaid to die Inteſtate, and the Ordinary may commit Adminiſtration. Co. 2. Inſt. 397.

Intruſion.

INtruſion is a Writ that lies against him that enters after the Death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reverſion or Remainder; for which ſee Fitz. N. B. fol. 203. E. And every Entry upon the Poſſeſſion of the King is called an Intruſion; as where the Heir of the King's Tenant enters after Office, and before Livery, this is called an Intruſion upon the King, as appears in Staundf. Prerog. fol. 40. and many other Books.

Inventory.

AN Inventory is a Catalogue or Recital in Writing of all the Goods and Chattels of one that is Dead, with the Valuation of them by four credible Perſons, which every Executor and Adminiſtrator ought to exhibit to the Ordinary at the time appointed.

Jointenants.

JOintenants are, where two Men come to any Lands or Tenements by one joint Title; as if a Man give Lands to two Men, and to their Heirs.

Tenants in Common are, where two have Lands by ſeveral Titles or by Feoffment to two, to have and to hold the one Half to one

and his Heirs, and the other Half to another and his Heirs: In all these Cases none of them knows his several.

If there be two or three Jointenants, and one hath Issue and dies, then he or those Jointenants that overlive shall have the whole by Survivorship.

If two Jointenants by Agreement make Partition between them by Deed, then they are several Tenants.

But if one Jointenant grant that which belongs to him to a Stranger, then the other Jointenant and the Stranger are Tenants in Common.

And though two Tenants in common be seised throughly and of the whole, and none knows his several; yet if one die, the other shall not take the whole by Survivorship, but the Heir of him that dies shall have the Half.

And so if there be three Jointenants, and one of them makes a Feoffment of his Part to another, and the Feoffee dies; then his Heir shall have the third Part, and the other two are Jointenants as they were, because they two are seised by one joint Title.

Also if Lands be given to the Baron and his Wife, and the Husband aliens and dies, the Wife shall recover the whole: But if they were Jointenants before the Coverture, then he shall recover but the Half.

If Land be given to the Husband and his Wife, and a third Person, if the third Person grant that which belongs to him, the one Half passes by this Grant;

moyetie al un & ses Heires, & l'auter moyetie al auter & ses Heires: En touts ceux cases nul de eux scavoit son several.

Si sont deux ou trois Joyntenants, & un ad issue & devie, donques cestuy ou ceux Joyntenants que surviver avera lentiertie per Surviver.

Si deux Joyntenants font Partice enter eux per Fait per agreement, donques ils sont several Tenants.

Mes si un Joyntenant grant ceo que a luy appent a un Estranger, donques l' auter Joyntenant & l' Estranger sont Tenants en common.

Et mesque deux Tenants en common sont seisie per my & per tout, & nul conust son several; uncore si un devie, l'auter ne avera le entiertie per Surviver, mes le Heire de celuy que devie avera le moyetie.

Et illint si sont trois Joyntenants, & un de eux fait Feoffment de son parte a un suter, & le Feoffee devie; donques son Heir avera le tierce parr, & les suters deux sont Joyntenants come ils fueront, pur ceo qne eux deux sont seisies pur un joynt Title.

Auxy si Terre soit done al baron & sa feme, & le baron alien & devie, le feme recovera lentiertie: Mes si ils fueront Joyntenants devant le Coverture, donques en tiel case il recovera forsque le moietie.

Si Terre soit done al baron & sa feme, & al tierce person, si le tierce person grant ceo que a luy appent, la moietie passa per cel Grant; pur ceo

que

que le baron & ſa feme ſont forſque un perſon en le Ley, & en ceſt caſe ils mount en droit forſque le moietie.

Auxy ſi deux Joyntenants ſont des Terres en Ville que eſt Borough-Engliſh, lou Terre eſt deviſable; & l'un per ſon Teſtament deviſa ceo que a luy appent a un Eſtranger & devie; ceſt Deviſe eſt void, & le auter avera l'entierty per Surviver, pur ceo que le Deviſe ne poit prender effect tanque apres le mort le Deviſor; & immediatement apres le mort le Deviſor le droit devient al auter Joyntenant per Surviver, que ne claime riens per le Deviſor, mes en ſon droit demeſne per Surviver. Mes auterment eſt de Parceners ſeiſies des Terres deviſables, *cauſa qua ſupra.*

Journies accounts.

Journies accounts (Dietæ computatæ) eſt un terme en le Ley que eſt entendu en ceſt manner: Si un Brief ſoit abate ſans le default le Plaintif ou Demandant, il poit purchaſe un novel Brief, que ſi ſoit purchaſe per *Journies accounts*, (ceſt-aſcavoire, deins cy petite temps come il poit apres l'Abatement del primer Brief) donque ceſt ſecond Brief ſerra come un Continuance del primer Brief, & iſſint ouſtera le Tenant ou Defendant de ſon Voucher, Plee de nontenure, Joyntenancy, pleinment adminiſter, *&c.* ou aſcun auter Plee que accrue ſur matter apres le date del primer Brief. Et quinze jours ont eſtre reputes un covenient temps pur le purchaſe del novel Brief. Veies pur ceſt

for that the Baron and his Wife are but one Perſon in Law, and in this Caſe they have Right but to Half.

Alſo if two Jointenants are of Lands in a Town that is Borough-Engliſh, where Land is deviſable, and one by his Teſtament deviſes that which belongs to him to a Stranger, and dies; this Deviſe is void, and the other ſhall have the whole by Survivor, for that the Deviſe may not take Effect 'till after the Death of the Deviſor; but immediately after the Death of the Deviſor, the Right comes to the other Jointenant by Survivor, who claims Nothing by the Deviſor, but in his own Right by Survivor. But otherwiſe it is of Parceners ſeiſed of Lands deviſable, cauſa qua ſupra.

Journies accounts.

Journies accounts (Dietæ computatæ) is a Term in the Law which is underſtood thus: If a Writ be abated without the Default of the Plaintiff or Demandant, he may purchaſe a new Writ, which if it be purchaſed by Journies accounts (that is within as little Time as he poſſibly can after the Abatement of the firſt Writ) then this ſecond Writ ſhall be as a Continuance of the firſt, and ſo ſhall ouſt the Tenant or Defendant of his Voucher, Plea of Nontenure, Jointenancy, fully adminiſter, &c. or any other Plea which ariſes upon Matter happening after the Date of the firſt Writ. And fifteen Days have been held a convenient time for the Purchaſe of the new Writ. See this Writ by Journies accounts

Spencer

encer's Caſe, Coke, lib. 6. fol. b.

Joynture.

Oynture is an Eſtate and Aſſurance made to a Woman in onſideration of Marriage, foꝛ erm of her Life, oꝛ otherwiſe; is mentioned in the Statute 27 H. 8. cap. 10. whether it be foꝛe, oꝛ after Marriage. And it be after, then ſhe may at r Liberty, after the Death of r Huſband, refuſe to take oꝛ ve the Lands ſo aſſured foꝛ r Joynture, and demand her ower at the Common Law: ut if it be made befoꝛe Marge, then ſhe may not refuſe h Joynture, noꝛ have Dower coꝛding to the Common Law, lieth that when ſhe bꝛings her rit of Dower, the Defendant eads ſuch a Plea as will not r her of her Dower; as if he in Bar, that her Huſband s not ſeiſed of ſuch an Eſtate ereof ſhe might be endowed, any ſuch Plea, and doth not w that ſhe hath a Joynture de, &c. and thereforꝛe deands Judgment of that Action, any ſuch like Plea, &c. And s was the Opinion of Mr Brograve at his Reading Grays-Inn in Summer, An. 67. 18 Eliz. upon a Branch the Statute made 27 H. 8. 10. concerning Joyntures and owers.

And of thoſe Things whereof Woman may be endowed, ſhe y have a Joynture; as of nes, Veſturam terræ, Woods, ows, Iſles, Meadows, and h like. Alſo of an Advowſon, verſion depending upon an tate foꝛ Life, Wind-Mill, h Chamber, Rectoꝛy, and h other; and they are called

Brief per *Journies accounts, Spencer's Caſe, Coke, lib. 6. fol. 9. b.*

Joynture.

Joynture eſt un Eſtate & Aſſurance fait al un Feme en conſideration de Marriage, pur terme de ſa vie, ou autrement; comme eſt mention en le Statute 27 *H.* 8. *c.* 10. ſoit il devant ou apres Marriage. Et ſi il ſoit apres, donques el poit a ſa libertie apres le mort de ſa baron refuſer de prender ou aver les Terres iſſint aſſure pur ſa Joynture, & demander ſa Dower a le Common Ley: Mes ſi il ſoit fait devant Marriage, donque el ne poit refuſe tiel Joynture, ne aver Dower accordant al Common Ley, ſi non que quand el port ſa Dower, le Defendant plead tiel Plee, que ne voile luy barrer de ſa Dower; ſicome il dit en Baſe, que ſa baron ne fuit ſeiſie de tiel Eſtate de que el poit eſtre endowe, ou aſcun tiel Plee, & ne monſtre que el ad un Joynture fait, *&c.* & pur ceo demaund Judgment de cel Action, ou aſcun tiel ſemblable Plee, *&c.* Et ceo fuit le opinion de Monſieur *Brograve* al ſon Lecture en *Grays Inne* en Summer, *An.* 1567. 18 *Eliz.* ſur un branch del Statute fait *An.* 27 *H.* 8. *cap.* 10. concernant *Joyntures* & Dowers.

Et de ceux choſes de que un feme poit eſte endowe, el poit aver un Joynture; come de Mines, *Veſturam terræ*, Boys, Villes, Iſles, Meadows, & tiels ſemblables. Item de un Advowſon, Reverſion dependant ſur un Eſtate pur vie, Wind-mill, hault Chamber, Rectory, & tiels auters; & ils

ils ſont appels *Tenements*. Item d'un Villeine, car il eſt Hereditament. Et de touts ceux de quel nul profit poit vener al feme, mes pluſtoſt un charge, un Joynture ne poit eſtre fait. Veies pur ceo matter, *Co. lib. 4. fol. 1. Vernon's Caſe.*

Iſſue.

ISſue, *Exitus*, vient del *François Iſſuer*, i. e. *emanare*; il ad pluſors Applications en le commun Ley; aſcun foits il eſt uſe pur les enfants engendres ent un Baron & ſon Feme; aſcun foits pur les Profits ſurdant del Amercements & Fines; aſcun foits pur les Profits de terres ou Tenements; & aſcun foits pur cel Point del Mattere pendant en Suit, ſur lequel les Parties joynant, & mittont lour Cauſe al Tryal del Jury. *Iſſue* en ceſt dernier Signification eſt ou General, ou Special. General Iſſue eſt ceo par lequel eſt referre al Jury de porter eins lour Verdict, an le Defendant ait fait aſcun tiel choſe ſicome le Plaintiff met a ſon charge. Special Iſſue eſt quand Special Mattere eſt allege per le Defendant pur ſa defenſe, & ambideux Parties joynont ſur ceo, & iſſint allont pluis toſt a un Demurrer, s'il ſoit *Quæſtio Juris*, ou al Trial per le Jury, s'il ſoit *Quæſtio Facti*.

Jurats.

JUrats, *Jurati*, ſont en le nature de Aldermen pur le governance de lour ſeveral Corporations; come le Mayor & Jurats de *Maydſtone*, *Rye*, *Winchelſey*, *Tenterden*, &c.

Tenements. Alſo of a Villain, for he is an Hereditament. In of all Things where Profit will not come to the Wife, but rather a Charge, a Joynture cannot be made. See Coke lib. 4. fol. 1. Vernon's Caſe.

Iſſue.

ISſue, Exitus, cometh of the French Iſſuer, i. e. to go out. It has divers Applications in the Common Law; ſometimes it is uſed for the Children begotten between a Man and his Wife; ſometimes for Profits growing from Amerciaments and Fines; ſometimes for Profits of Lands or Tenements; and ſometimes for that Point of Matter depending in Suit whereupon the Parties join, and put their Cauſe to the Trial of the Jury: Iſſue in this laſt Signification is either General, or Special: General Iſſue is that whereby it is referred to the Jury to bring in their Verdict whether the Defendant hath done any ſuch Thing as the Plaintiff layeth to his Charge. Special Iſſue is when Special Matter is alledged by the Defendant for his Defence, and both Parties join thereupon, and ſo go rather to a Demurrer, if it be Quæſtio Juris, or to Trial by the Jury, if it be Quæſtio Facti.

Jurats.

JUrats, Jurati, are in the Nature of Aldermen for the Government of their ſeveral Corporations; as the Mayor and Jurats of Maydſtone, Rye, Winchelſey, Tenterden, &c.

Juriſdiction.

Juriſdiction is a Dignity which a Man hath by a Power to do Juſtice in Cauſes of Complaint made before him.

Juris utrum.

Juris utrum is a Writ that lies for the ſucceeding Incumbent of a Benefice, to recover the Lands or Tenements belonging to the Church, which were alienedby his Predeceſſor. And ſee of this Fitz. N. B. fol. 48. R. and ſee after in the Title Utrum.

Juror.

Juror is one of thoſe 24 or 12 Men which are ſworn to deliver a Truth upon ſuch Evidence as ſhall be given them touching the Matter in Queſtion: Of which ſee Fitz. N. B. fol. 165. D. and the Statute 16 and 17 Car. 2. cap. for returning able and ſufficient Jurors.

Juſtice-ſeat.

Juſtice-ſeat is the higheſt Court that is held in a Foreſt, and it is always held before the Lord Chief-Juſtice in Eyre of the Foreſt, upon Warning 40 Days before. And there the Judgments are always given, and the Fines ſet for Offences that were preſented at the Courts of Attachments, and the Offenders indicted at the Swainmotes. See concerning this Court Manwood's Foreſt Laws, cap. 24. fol. 238. b.

Juſtices in Eire.

Juſtices in Eire. See Eire.

Juriſdiction.

Juriſdiction eſt un dignity que un home ad per un povoir de fair Juſtice en Cauſes de complaint fait devant luy.

Juris utrum.

Juris utrum eſt un Brief que giſt pur le Succeſſor Incumbent d'un Benefice, pur recover les Terres ou Tenements apperteinants al Eſgliſe, que fueront alien per ſon Predeceſſor. Et veies de ceo *Fitz. N. B. fol.* 48. *R.* & veies apres Title *Utrum.*

Juror.

Juror eſt un de ceux 24 ou 12 homes que ſont jure al deliver le voierty ſur tiel Evidence come ils ſerra don touchant le matter en queſtion : De queux veies *Fitz. N. B. fol.* 165. *D.* & le Stat. 16 & 17 *Car.* 2. *for returning able and ſufficient Jurors.*

Juſtice-ſeat.

Juſtice-ſeat eſt le plus hault Court que eſt tenus en un Forreſt, & ceſt touts temps tenus devant le Seignior Chief Juſtice en Eyre del Forreſt, ſur un ſummons per 40 jours devant. Et la les Judgments ſont touts ſoits dones, & Fines aſſeſſes pur Offences que fueront preſent al Courts del Attachments, & les Offendors indicts as Swainmotes. Veies ceſt Court *Manw. Forreſt Leys. cap.* 24. *fol.* 238. *b.*

Juſtices en Eire.

Juſtices en Eire. Veies *Eire.*

Justicies.

Justicies est un Brief direct al Viscount pur le dispatch del *Justice* en ascuns special cases en son County-Court, des queux il ne poit per son ordinarie poyar tener Plee la. Et de ceo poies veier Precedents en *Fitzh. N. B. fol* 117. G. en *Account*, & *fol.* 152. B. en *Annuity*, & *fol.* 119. G. en *Det*, & plusors autres. Et est appel un *Justicies*, pur ceo que est un Commission al Viscount ad *justiciandum* aliquem; & ne require ascun Returne ou Certificate de ceo que il ad fait.

Justicies.

A Justicies is a Writ directed to the Sheriff for the Dispatch of Justice in some special Cases in his County-Court, of which he cannot by his ordinary Power hold Plea there. And of this you may see Precedents in Fitzh. N. B. fol. 117. C. in Account, and fol. 152. B. in Annuity, and fol. 119. G. in Debt, and many others. And it is called a Justicies, because it is a Commission to the Sheriff to do a Man Right; and it requires no Return or Certificate of what he hath done.

K.

Keelage.

Keelage, en Latine *Killagium*, est un Custome pay al *Hartlepoole* en *Durham*, pur chescun nief veignant en ceo Port. *Rot. Parl.* 21 *E.* 1.

Kiddle.

Kiddle ou *Kidel*, est un Dam ou Wear en un River. *Omnes* Kidalli *deponantur de cætero penitus per* Thamesin & Medweyam *& per totam* Angliam, *nisi per costeram maris. Mag. Char. cap.* 24.

King's silver.

King's silver est le Argent que est debite al Roy en le Court de Common Pleas, pur un Licence y concesse al

K.

Keelage.

Keelage, in Latin Killagium, is a Custom paid at Hartlepool in Durham, for every Ship coming into that Port. Rot. Parl. 21 E. 1.

Kiddle.

Kiddle or Kidel, is a Dam or Wear in a River. All Kidels shall from henceforth be utterly put down in the Thames and Medway, and throughout all England, except upon the Sea-coast. Mag. Char. cap. 24.

King's silver.

King's silver is the Money which is due to the King in the Court of Common Pleas, for a License there granted to any

any Man to paſs a Fine. Coke, lib. 6. fol. 39, & 43.

Kintal.

KIntal is a Weight commonly of One hundred Pounds more or leſs, according to the Uſage of ſundry Nations. Mr. Plowden in the Caſe of Reniger and Fogaſſa makes mention of this Word.

Knight's Service.

KNight's Service was a Tenure by which ſeveral Lands in this Nation were held of the King. But it is aboliſhed by Statute 12 Car. 2. cap. 24.

aſcun home a paſſer un Fine. *Coke, l. 6. fol.* 39, *&* 43.

Kintal.

K*Intal* eſt un Pois, communement de Cent livres, greinder ou meins, ſelon de Uſage de divers Nations. Monſieur *Plowden* en le Caſe de *Reniger* & *Fogaſſa* fait mention de ceo parol.

Knight-Service.

K*Night-Service* fuit un Tenure per quel pluſieurs Terres en ceſt Nation fueront tenus del Roy. Mes il eſt abolie per Statute 12 *Car. 2. cap.* 24.

L.

Laches.

LAches or Laſches is an old French Word ſignifying Slackneſs or Negligence, as it appears in Lit. ſect. 403, & 726. where Laches of Entry is Nothing elſe but a Neglect in the Infant to enter. So that I think it may be an old Engliſh Word. And when we ſay, There is Laches of Entry, it is as much as to ſay, There Lack is of Entry, or there is Lack of Entry. Yet I find that (Laſcher) in French is to Loyter, and (Laſche) ſignifies one that is idle or lazy; and therefore it may alſo come from the French. For Etymologies are divers, and many times ad placitum.

L.

Laches.

L*Aches* ou *Laſches* eſt un veil parol *Francois*, que ſignifie Negligence, come appiert en *Littl. ſect.* 403. & 726. lou *Laches* del Entrie neſt riens forſque un Neglect en le infant pur enter. Iſſint que moy ſemble que poit eſtre un vieux parol *Anglois*. Et quand nous diomus, Icy eſt *Laches* d'Entrie, eſt tant adire come, icy eſt *Laches* del Entrie. Uncore jeo trove que (*Laſcher*) en *Francois* eſt Laxare, & (*Laſche*) ſignificat Ignavum vel Flaccidum; & pur ceo poit vener auxy del *Francois*. Car Etymoligies ſont divers, & pluſors foits *ad placitum*.

Lagan.

Lagan eſt tiel parcel des Biens come les Mariners en le peril del Naufrage jectont hors del Niefe; & pur ceo que ils ſcavoient que les biens ſont ponderous, & voilont ſinke, ils lionts as eux un Buoy ou Corke, al intent que poient eux trover, & re-aver. Si le Niefe ſoit merge, ou autrement periſh, ceux biens ſont appels *Lagan* ou *ligan*, *a ligando*: Et cy longement come ils continue ſur le Mer, ils appertinent al Admiral; mes ſils ſont jects ſur le Terre, adonque ils ſont appels *Wreck*, & apperteinent a celuy que avoit le Wreck, come appiert en *Coke*, *l.* 5. *f* 106.

Lagan.

Lagan is ſuch a Parcel of Goods as the Mariners in a Danger of Shipwreck caſt out of the Ship; and becauſe they know they are heavy, and will ſink, they faſten to them a Buoy or Cork, that ſo they may find them, and have them again. If the Ship be drowned, or otherwiſe periſh, theſe Goods are called Lagan or Ligan, a ligando: And ſo long as they continue upon the Sea, they belong to the Admiral; but if they are caſt upon the Land, they are then called a Wreck, and belong to him that hath the Wreck, as it appears in Coke, l. 5. f. 106.

Lageman.

Lageman eſt Homo Legalis ſeu legitimus, tiel que nous appellomus, Good Men of the Jury. Le parol eſt trove en *Dooms day-book*.

Lageman.

Lageman eſt Homo Legalis, ſeu legitimus, ſuch as we call Good Men of the Jury. The Word is found in Dooms day-Book.

Land-cheap.

Land-cheap eſt un payment de 10 *d.* en les deniers pur cheſcun Mark del purchaſe des terres deins le Borough de *Maldon* en *Eſſex*, per preſcription. Quel vide *H* 25, 26 *Car.* 2. *Roll* 706. *en B. R.*

Land-cheap.

Land-cheap is a Payment of 10 d. in the Purchaſe-Money for every Mark thereof, for all the Lands within the Borough of Maldon in Eſſex, by Preſcription, which ſee H. 25, 26 Car. 2. Roll. 706. in B. R.

Lapſe.

Lapſe (*Lapſus*) eſt l'Omiſſion del Patron pur preſenter al Eſgliſe de ſon Patronage deins ſize mois apres Voydance per mort, ou priſel del auter Benefice ſans qualification, ou notice a luy done del Reſignation ou Deprivation del preſent Incumbent; per quel

Lapſe.

Lapſe (Lapſus) is the Omiſſion of a Patron to preſent to a Church of his Patronage within ſix Months after an Avoidance by Death, or taking of another Benefice without Qualification, or Notice to him given of the Reſignation or Deprivation of the preſent Incumbent;

bent; by which Neglect Title is given to the Ordinary to collate to the said Church.

Larceny.

LArceny is a wrongful taking away another Man's Goods, but not from his Person, with a Mind to steal them.

And Theft is in two Sorts; the one so called simply, and the other Petit or Little Theft.

The first is, where the Thing stolen exceeds the Value of 12 d. and this is Felony.

The other (called Little or Petit Theft) is where the Thing stolen doth not exceed the Value of 12 d. and that is not Felony.

Last.

LAst signifies a certain Weight or Burthen; as a Last of Herrings is ten thousand, Anno 31 E. 3. Stat. 2. cap. 2. a Last of Hides is twelve Dozen, Anno 1 Jac. c. 33.

Lastage.

LAstage is, to be quit of a certain Custom exacted in Fairs and Markets, for carrying of Things where a Man will.

Lathe.

LAthe, Læstum, is a great part of a County sometimes containing three or more Hundreds, as in Kent, Sussex, &c.

Latitat.

LAtitat is a Writ by which all Men in personal Actions are originally called in the King's Bench to answer. And it is called Latitat, because it is sup-

Neglect Title accrue al Ordinarie pur collater al dit Esglise.

Larcenie.

L*Arcenie* est un tortious prisel des biens d'un auter home, mes nemy de son person, ove un ment d'eux embler.

Et Larcenie est en deux sorte; le un issint appel simplement, & le auter *Petiit Larcenie.*

Le primer est lou le chose emblee exceeda le value de 12 *d.* & ceo est Felonie.

L'auter (que est appel *Petit Larcenie*) est lou le chose emblee ne exceeda le value de 12 *d.* & ceo n'est Felonie.

Last.

L*Ast* signifie un certeine Pois ou Burden: come un *Last de Herring* est 10000, *Anno* 31 *E.* 3. *Stat.* 2. *c.* 2. un *Last de Hides* est douze dozen, *Anno* 2 *Jac. c.* 33.

Lastage.

L*Astage* est, quietum esse de quadam Consuetudine exacta in Nundino & Mercato pro rebus cariandis ubi homo vult.

Lathe.

L*Athe*, Læstum, est un grand part de un County ascun foits conteignant trois ou plusors Hundreds, come en *Kent*, *Sussex*, *&c.*

Latitat.

L*Atitat* est un Brief per que touts homes en Personal Actions sont originalment appels en Banke le Roy de responder. Et est appel *Latitat*,

pur ceo que est suppose per le Brief que le Defendant ne poit estre trove en le Countie del *Middlesex*, come appiert per le Retourne del Viscount de ceo Countie, mes que *Latitat* en auter Countie; & pur ceo al Viscount de ceo Countie est cest Brief direct pur luy prender.

Law.

LAW. Veies *Ley.*

Law-Day.

LAw-Day signifie un Leet ou Tourne del Viscount, come appiert per le Statute, 1 *E.* 4. *c.* 2. lou le Tourne le Viscount est iffint appel, & 9 *H.* 7. *f.* 21. *b.* & plusors auters Livres, lou un Leet est iffint appel. Veies *Smith de Repub. Anglorum, l.* 2. *c.* 21.

Lawing of Dogs.

LAwing of Dogs. Veies *Expeditate.*

Lawless Man.

LAwless Man est il que est *extra Legem*, un Outlaw. *Bract. l.* 3. *tract.* 2. *c.* 11. *num.* 1.

Leases.

LEases sont Graunts ou Demises, per un que ad ascun Estate en Hereditaments, de ceux Hereditaments al auter pur meinder temps. Et ceo sont en divers manners; cest-ascavoire, pur terme de Vie, pur Anns, pur auter Vie, & a Volunt.

Auxy un Lease de Terre est auxy bone sans Fait, come per Fait.

Mes en un Lease pur terme de Vie il covient de done Li-

Law.

LAW. See Ley.

Law-day.

LAw-Day signifies a Leet or Sheriff's Tourn, as it appears by the Statute of 1 E. 4. c. 2. where the Sheriff's Tourn is so called, and 9 H. 7. f. 21. b. and many other Books, where a Leet is so called. See Smith's Common-wealth, l. 2. c. 21.

Lawing of Dogs.

LAwing of Dogs. See Expeditate.

Lawless Man.

LAwless Man is he who is extra Legem, an Outlaw. Bract. l. 3. tract. 2. c. 11. num. 1.

Leases.

LEases are Grants or Demises, by one that hath any Estate in any Hereditaments, of those Hereditaments to another for a lesser Time. And they are in divers Manners, viz. for Term of Life, for Years, for another's Life, and at Will.

Also a Lease of Land is as good without Deed, as with Deed.

But in a Lease for Term of Life, it behoves to give Livery and

and Seiſin upon the Land, or elſe Nothing ſhall paſs by the Grant, becauſe they are called Free-holds.

Alſo a Leaſe of a Common or Rent may not be good without Deed.

But of a Parſonage that hath Glebe, it is good without Deed, for that the Glebe of the Church, which is the Principal, may well enough paſs without Deed; and ſo the Tithes and Offerings, which are as acceſſary to the Church.

But Tithes and Offerings by themſelves may not be let without Deed, as it is ſaid.

Leet.

LEET is a Court derived out of the Sheriff's Tourn, and inquires of all Offences under the Degree of High Treaſon that are committed againſt the Crown and Dignity of the King. But thoſe Offences which are to be puniſhed with Loſs of Life or Member, are only inquirable there, and to be certified over to the Juſtices of Aſſize. See Stat. 1. E. 3. c. 17.

Legacy.

LEgacy (Legatum) is a Term of the Civil Law, and it is that which we in our Law call a Deviſe, viz. Lands or Goods given unto any Man by the Will or Teſtament of another. See more Tit. Deviſe before.

Leproſo amovendo.

LEproſo amovendo is a Writ which lies for a Pariſh to remove a Leper, or Lazar, who thruſts himſelf into the Company of his Neighbours, either in vetie & Seiſin ſur le Terre, ou autrement riens paſſera per le Grant, pur ceo que ils ſont appelles *Franke-tenements*.

Auxy un Leaſe d'un Common ou Rent ne poit eſtre bone ſans Fait.

Mes d'un Parſonage que ad Glebe il eſt bone ſans Fait, pur ceo que le Glebe del Eſgliſe, que eſt le Principal, poit aſſets bien paſſer ſans Fait; & iſſint les Diſmes & Offerings, que ſont come acceſſorie al Eſgliſe.

Mes Diſmes & Offerings per ſoy ne poient eſtre leſſes ſans Fait, ut dicitur.

Leet.

LEET eſt un Court derive hors del Tourne le Viſcount, & inquire des touts Offences ſouth le degree de Haute Treaſon queux ſont commiſes encounter le Corone & Dignitie le Roy. Mes ceux Offences queux ſont punies per perde de vie ou member ſont ſolement inquirables la, & deſtre certifies ouſter as Juſtices del Aſſiſe. Veies *Stat.* 1 E. 3. c. 17.

Legacie.

LEgacie (*Legatum*) eſt un term del Civil Ley, & eſt ceo que nous en noſtre Ley appellomus un *Deviſe*, viz. Terres ou Biens done al aſcun per le Volunt ou Teſtament d'un auter. Veies plus Tit. *Deviſe* devant.

Leproſo amovendo.

LEproſo amovendo eſt un Brief que giſt pur un Pariſh a remover un Leper ou Lazar qui ſe intrude deins le Company de ſon vieines, ou en le

Eſgliſe ou auter publick Aſſemblies a lour annoyance ou diſturbance. *Reg. Orig.* 257. *F. N. B.* 423.

Leſſor & Leſſee.

L*Eſſor* eſt celuy que leſſa Terres ou Tenements al auter pur terme de vie, ans, ou a volunt: Et celuy a que le Leaſe eſt fait eſt appel *Leſſee.*

Levant & Couchant.

L*Evant & Couchant* eſt dit, quand les Beaſts ou Cattel de un Eſtranger ſont venue en le Terre de un auter home, & la ont remaine un certein bone ſpace de temps.

Levari facias.

L*Evari facias* eſt un Brief direct al Viſcount pur le *Levier* d'un ſumme des deniers ſur les Terres, Tenements, & Chattels ceſtuy que ad forfeit un Recogniſance. Veies *F. N. B. f* 265. *D.*

Ley.

L*EY* eſt, quand Action de Det eſt port vers un ſur aſcun ſecret Agreement ou Contract ewe perenter les parties ſans Eſpecialtie monſtre, ou auter matter de Record; come en un Action de Detinue pur aſcuns biens ou chattels accommode ou relinque ove le Defendant; donques le Defendant poit *gager ſon Ley*, ſil voile, ceſtaſcavoire, jurer ſur un Livre, & certeine perſons ove luy, que il ne detain les biens, ou doit riens al Plantife, en manner & forme come il ad declare.

Et ceo eſt allowe ſolement en caſes de Secrecie, ou le Plaintife ne poit prover le

the Church, or other publick Meetings to their Annoyance or Diſturbance. Reg. Orig. 257. F. N. B. 423.

Leſſor and Leſſee.

LEſſor is he that leaſes Lands or Tenements to another for Term of Life, Years, or at Will: And he to whom the Leaſe is made is called Leſſee.

Levant and Couchant.

LEvant and Couchant is ſaid, when the Beaſts or Cattel of a Stranger are come into another Man's Ground, and there have remained a certain good Space of Time.

Levari facias.

LEvari facias is a Writ directed to the Sheriff for the Levying of a Sum of Money upon the Lands, Tenements and Chattels of him that hath forfeited a Recognizance. See F. N. B. fol. 265. D.

Law.

LAW is, when an Action of Debt is brought againſt one upon ſome ſecret Agreement or Contract had between the Parties without Eſpecialty ſhewed, or other Matter of Record; as in an Action of Detinue for ſome Goods or Chattels lent or left with the Defendant; then the Defendant may wage his Law, if he will, that is, ſwear upon a Book, and certain Perſons with him, that he detains not the Goods, or owes Nothing to the Plaintiff, in Manner and Form as he hath declared.

And it is allowed only in Caſes of Secrecy, where the Plaintiff cannot prove the Surmiſe

miſe of his Suit by any Deed or open Act; for the Defendant might diſcharge it privily between them without any Acquittance or publick Act. And therefore in an Action of Debt upon a Leaſe for Years, or upon Arrearages of Accompt before Auditors aſſigned, a Man ſhall not wage his Law.

But when one ſhall wage his Law, he ſhall bring with him iij, vjj, or xij of his Neighbours, as the Court ſhall aſſign him, to ſwear with him, much like the Oath which they make who are uſed in the Civil Law, to purge others of any Crime laid againſt them, who are called Compurgators.

Note, that the Offer to make the Oath is called Wager of Law; and when it is accompliſhed, then it is called the Doing of the Law.

And if the Sheriff in any Action return, that he hath ſummoned the Defendant to appear in Court at any Day to anſwer the Plaintiff, at whith Day he makes Default; Proceſs ſhall be awarded againſt him, to come and ſave, or excuſe his Default; which is as much as to ſay, to excuſe the Delay, or otherwiſe to loſe the Thing demanded: And if the Defendant comes, and ſwears he was not ſummoned, which is called Waging of Law; then he ought to do it at the Day aſſigned, with xij others. And in doing of his Law he ought upon his Oath to affirm directly the contrary of that which is imputed to him: But the others ſhall only ſay, They think he ſaith the Truth.

Surmiſe de ſon Suit per aſcun Fait ou Overt action; car le Defendant poit ceo diſcharge ſecretment perenter eux, ſans aſcun Acquittance ou Publique act. Et pur ceo en Action de Det ſur un Leaſe pur ans, ou ſur Arrearages de Accompt devant Auditors aſſigne, home ne *gagera ſon Ley*.

Mes quand un *gagera ſon Ley*, il ameſnera oveſque luy vi, viii, ou xii de ſes Vicines, come le Court luy aſſignera, de jurer oveſque luy; mult ſemble al ſerement que eux feſoient que ſont uſes en le Civil Ley, de purger auters d'aſcun crime al eux impute, que ſont appel *Compurgators*.

Nota que l'Offer de faire le Serement eſt appel le *Gager del Ley*, & quand il eſt accompliſh, donques eſt appel le *Feſans del Ley*

Et ſi le Viſcount en aſcun Action returne, que il eyt ſummon le Defendant d'appeare en Court a aſcun jour a reſponder le Plaintife, a quel jour il fait Default; Proceſſe ſerra agard vers luy, de vener & ſave, on excuſe ſon default; que eſt tant adire, come a purgare moram, ou auterment de perder le choſe demand: Et ſi le Defendant vient, & jure que il ne fuit ſummon, que eſt appel *gager del Ley*, donques il doit ceo faire al jour aſſigne, ove xii auters. Et en *feſans del Ley* il doit ſur ſon Serement affirmer directment al contrarie de ceo que eſt impute a luy: Mes les auters dirra ſeulement, que eux entende que il dit le veritie.

Libel.

Libel (Libellus) eſt un terme del Civil Ley, & ſignifie le Original Declaration en aſcun Action; & iſſint eſt uſe en les Statutes, 2 *Hen.* 3. *cap.* 3. & 2 *E.* 6. *cap.* 13. Et *famoſum Libellus* ſignifie properment en noſtre Ley un Scandalouus report del aſcun home illoyalment publie en eſcript. Veies de ceo *Coke, lib.* 5. *fol.* 125. *a.*

Libel.

Libel (Libellus) is a Term of the Civil Law, ſignifying the Original Declaration in any Action; and ſo it is uſed in the Statutes of 2 H. 3. cap. 3. and 2 E. 6. cap. 13. And an infamous Libel ſignifies properly in our Law a ſcandalous Report of any Man unlawfully publiſhed in Writing: Of which ſee Cok. lib. 5. fol. 125. a.

Liberate.

Liberate eſt un Garrant iſſuant hors del Chancerie al Treaſurer, Chamberlains, & Barons del Exchequer, ou Clerke del Hamper, *&c.* pur le Payment de aſcun annual Penſion, ou auter Summe graunt ſouth le Grand Seal, *Regiſt. orig.* 193. Ou aſcun foits al Viſcount, *&c. F. N. B. fol.* 132. pur le deliverie de Terres ou Biens priſe ſur Forfeiture de un Recogniſance, *Fitz. N. B.* 131, 132. *Coke, lib.* 5. *Fulwood's Caſe, fol.* 64, 66, 67. Auxy a un Gaoler del Juſtices, pur le deliverie de un Priſoner que ad mitta eins Baile pur ſon Appearance.

Eſt auxi un auter Brief fait hors del Petty-bag Office en Chancery, ſur Statute-Staple, puis un extent ſur ceo retorne; per quel le Viſcount retorne que il aver liver la terre extend, al Conuzee: Quel eſtеant file, il poit donques (& nient devant) porter ſon Action de Ejectment a recover poſſeſſion de sterres extend.

Liberate.

Liberate is a Warrant iſſuing out of the Chancery to the Treaſurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hamper, &c. for the Payment of any yearly Penſion, or other Sum granted under the Great Seal, Regiſt. Orig. 193. Sometimes to the Sheriffs, &c. Fitzh. N. B. fol. 132. for the Delivery of Land or Goods taken upon Forfeiture of a Recognizance, F. N. B. 131, 132. Cok. lib. 4. Fulwood's Caſe, fol. 64, 66, 67. Alſo to a Gaoler from the Juſtices for the Delivery of a Priſoner that hath put in Bail for his Appearance.

There is alſo another Writ made out of the Petty-Bag Office in Chancery, upon a Statute-Staple, after an Extent thereupon returned; by which the Sheriff returns he has delivered the Land extended to the Cognizee; which being filed, he may then (and not before) bring his Action of Ejectment to recover Poſſeſſion of the Lands extended,

Liber-

Libertate probanda.

Libertate probanda. Look for that in the Title Nativo habendo.

Liberty.

Liberty is a Privilege held by Grant or Prescription, whereby Men enjoy some Benefit or Favour beyond the ordinary Subject. Bract. lib 2. cap. 5.

Librata Terræ.

Librata Terræ contains four Ox-Gangs, and every Ox-Gang 13 Acres of Land. Skene de verb. signif. verbo bovata Terræ.

Lien.

Lien is a Word of two Significations. Personal Lien, as Bond, Covenant or Contract: And Real Lien, as Judgment, Statute, Recognizance, or an Original against an Heir which oblige and affect the Land.

Ligeance.

Ligeance is a True and faithful Obedience of the Subject due to his Sovereign; and this Ligeance, which is an Incident inseparable to every Subject, is in four Manners: The first is Natural, the Second acquired, the Third local, and the Fourth legal. Of all which you may read much excellent Learning in Cok. lib. 7. Calvin's Case.

Limitation.

Limitation is an Assignment of a Space of Time, within which he that will sue for any Lands or Hereditaments ought

Libertate probanda.

Libertate probanda. Vide pur ceo en le Title *Nativo habendo.*

Libertie.

Libertie est un privilege tent per grant ou Prescription, per que homes auront ascun benefit ou favour ouster le common Subject. *Bract. l.* 2. *c.* 5.

Librata Terræ.

Librata Terræ conteins quater Ox-gangs, & chescun Ox-gang 13 Acres de Terre. *Skene de verb. Signif. verbo Bovata Terræ.*

Lien.

Lien est un parol de deux significations, Personal lien come Bond, Covenant ou Contract. Et real lien come Judgment, Statute, Recognizance, ou Original brief versus un Heir queux oblige & affect la terre.

Ligeance.

Ligeance est un voire & loyal Obedience del Subject due a son Soveraigne; & cest Ligeance, que est un incident inseperable a chesc' Subject, est en quater manners: Le primer est *natural*, le second *acquirus*, le tierce *local*, & le quart *legal*. De touts queux vous poies lier mult bone erudition en *Coke, lib.* 7. *Calvin's Case.*

Limitation.

Limitation est un Assignment de space ou temps, deins quel cestuy que voil' suer pur ascuns Terres ou Hereditaments

ditaments doit prover, que il ou ſon Anceſtor fuit ſeiſie del choſe demaund, ou autrement ne mainteinera ſon Suit ou Action; quel Aſſignments ſont faits per divers Statutes: Come le Stat. de *Merton, cap.* 8. *Weſtm.* 1. *cap.* 38. 32 *Hen.* 8. *cap.* 2. *&c.*

Liverie de Seiſin.

Liverie de Seiſin eſt un Ceremonie uſe en Conveyance de Terres ou Tenements, lou un Eſtate en Fee-ſimple, Fee-taile, ou un Franktenement paſſera. Et il eſt un Teſtmoigne de le voluntarie Departing de luy que fait le Liverie del choſe de que Liverie eſt fait. Et le receit del Liverie eſt un voluntarie Acceptance per le auter partie de tout ceo de que auter ad luy deveſte. Et fuit invent come un overt & notorious choſe, per means de que le common people poient aver Intelligence de Paſſing ou Alteration de Eſtates de home al home, que per ceo ils poient eſtre le melieur able pur trier en que le droit & poſſeſſion de Terres & Tenements fueront, ſils doient eſtre empanel en Jures, ou auterment ont a faire concernant ceo.

Le common manner de *Liverie de Seiſin* eſt en ceſt ſort: Si il ſoit en l'overt Champe, ou ne ſont Edifices ou Meaſon, donques un que poit lier priſt le Fait en ſon maine, ſi le Eſtate paſſera per Fait, & declara al eux que la ſont le cauſe de lour vener la enſemble, *&c.* & donques overtment lia le Fait, ou declare l'effect de ceo; & apres que

to prove, that he or his Anceſtor was ſeiſed of the Thing demanded, or otherwiſe he ſhall not maintain his Suit or Action; which Aſſignments are made by divers Statutes: As the Statute of Merton, cap. 8. Weſtm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Livery of Seiſin.

LIvery of Seiſin is a Ceremony uſed in Conveyance of Lands and Tenements, where an Eſtate in Fee-ſimple, Fee-tail, or a Free-hold ſhall paſs. And it is a Teſtimonial of the willing departing of him who makes the Livery from the Thing whereof Livery is made. And the Receiving of the Livery is a willing Acceptance by the other Party of all that whereof the other hath deveſted himſelf. And it was invented as an open and notorious thing, by means whereof the common People might have knowledge of the Paſſing or Alteration of Eſtates from Man to Man, that thereby they might be the better able to try in whom the Right and Poſſeſſion of Lands and Tenements were, if they ſhould be impanelled on Juries, or otherwiſe have to do concerning the ſame.

The Common manner of Delivery of Seiſin is thus: If it be in the open Field, where is no Building or Houſe, then one that can read takes the Writing in his Hand, if the Eſtate paſs by Deed, and declares to the Standers-by the Cauſe of their meeting there together, &c. and then openly reads the Deed, or declares the Effect thereof; and after that is ſealed

ſealed, the Party who is to depart with the Ground takes the Deed in his Hands, with a Clod of the Earth, and a Twig or Bough, if any be there, which he delivers to the other Party in the Name of Poſſeſſion or Seiſin, according to the Form and Effect of the Deed there read or declared. But if there be a Dwelling-Houſe or Building upon the Land, then this is done at the Door of the ſame, none being left at that Time within the Houſe; and the Party delivers all aforeſaid, with the Ring of the Door, in the name of Seiſin or Poſſeſſion; and he that receives the Livery enters in firſt alone, and ſhuts the Door, and preſently opens it again, and lets them in, &c. If it be a Houſe whereto is no Land nor Ground, the Livery is made and Poſſeſſion taken by the Delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by word of Mouth, before Witneſſes, the Eſtate that he means to depart with, and then delivers Seiſin or Poſſeſſion in manner aforeſaid; And ſo the Land or Tenement doth paſs as well as by Deed, and that by vertue of the Livery of Seiſin. It was agreed in Gray's-Inn by Maſter Snagge, at his Reading there in Summer, Anno 1574. That if a Feoffor deliver the Deed in View of the Land, in Name of Seiſin, that is good, becauſe he hath a Poſſeſſion in himſelf. But otherwiſe it is of an Attorney, for he muſt go to the Land and take Poſſeſſion himſelf, before he can give Poſſeſſion to another, according to the Words

il eſt ſeale, le partie que eſt a departer ove le Terre priſt le Fait en ſa maines oveſque un Clod del terre, & un Twigge ou Bough, ſi y ad aſcun la, que il deliver al auter partie en le noſme de Poſſeſſion ou ſeiſin, accordant al forme & effect del Fait la lie ou declare. Mes ſil ſoit un Habitation ou Edifice ſur le Terre, donques ceo eſt fait al Door del ceo, nul eſleant relinquiſh a ceſt temps deins le Meaſon; & le partie deliver touts les avantdits, oveſque l' Anule de le Door, en noſme de Seiſin ou Poſſeſſion; & il que receiva le Liverie entra primes ſole, & ſhutta le door, & preſentment overt ceo, leſſa eux eins, &c. Sil ſoit de un Meaſon a que eſt nul Terre, le Liverie eſt fait & Poſſeſſion priſe per le deliverie del Annuel de le Door & Fait ſolement. Et lou il eſt ſans Fait, de Terres ou Tenements, la le partie declare per Parol, devant teſmoignes, l' Eſtate oveſque il ſentende de departer, & donques deliver Seiſin ou Poſſeſſion en manner avantdit: Et iſſint le Terre ou Tenement paſſera cybien come per fait, & ceo per force de Liverie de Seiſin. Il fuit agree en *Gray's-Inn* per Maſter *Snagge*, al ſon Lecture la en Summer, *Anno* 1574. Que ſi un Feoffor deliver la Fait en view del Terre en noſme de Seiſin, que il eſt bone, pur ceo que il ad un Poſſeſſion en luy meſme. Mes autrement eſt dun Attorney, car il doit aler al Terre, & priſe Poſſeſſion luy meſme, devant que il poit doner Poſſeſſion al auter, accordant al parols de

de ſon Garrant, &c. Et lou Liverie de Seiſin eſt per le View, ſi le Feoffee entra pas puis, &c. nul choſe paſſa, car il doit enter en fait.

Local.

Local en un legal ſenſe ſignifie aſcun choſe annex ou fix al Frank-tenement. Mes un Action de Treſpaſs pur Battery eſt tranſitory, & nient local, & pur ceo le lieu ne doit eſtre noſme ou mention en le declaration, nec eſt traverſable ſi ſoit.

Lollards.

Lollards fueront Dogmatiſts en Religion en le temps *E.* 3. & *H.* 5. & en ceux temps fueront reputes Heretiques: come appiert per le Stat. en 9 *R.* 2. *cap.* 5. & 2 *H.* 5. *cap.* 7. Queux Stat. vous troveres repealed en 1 *E.* 6. *c.* 12. & 1 *El. cap.* 1. Ils avoient lour denomination (come aſcuns penſoent) del un *Gualt. Lollard* un *Germanis*, qui vixit circa Ann. Dom. 1315. & fuit le prime author de ceſt Sect.

Seignior en Groſſe.

Seign. en Groſſe eſt il que eſt Seignior ſans Mannor, come le Roy en reſpect de ſon Corone. *F. N. B fol.* 5. Un home fait Done en taile de tout ſon Terre, a tener de luy, & moruſt; ſon Heire nad rien forſque *Seigniorie en Groſſe.*

Lotherwit.

Lotherwit eſt, quod capiatis amendas ab ipſo qui corrumpit veſtram Nativam ſine licencia veſtra.

of his Warrant, &c. And where Livery of Seiſin is by View, if the Feoffee do not enter after, &c. nothing paſſes, for he ought to enter in Deed.

Local.

Local, in a legal Senſe ſignifies any thing annext or fixt to the Freehold. But an Action of Treſpaſs for Battery, is tranſitory, and not local, and therefore the Place need not be mentioned or ſet down in the Declaration, nor is it traverſable if it be.

Lollards.

Lollards were Dogmatiſts in Religion in the Times of E. 3. and H. 5. and in thoſe Times were reputed Heretiks; as appears by the Statutes in 5 R. 2. cap. 5. and 2 H. 5. cap. 7. Which Statutes you ſhall find repealed in 1 E. 6. cap. 12. and 1 El. cap. 1. They had their name (as ſome think) from one Gualter Lollard a German, who lived about the Year 1315. and was the firſt Author of this Sect.

Lord in Groſs.

Lord in Groſs is he who is Lord without a Manor, as the King in reſpect of his Crown. Fitz. Nat. Brev. fol. 5. A Man makes a Gift in Tail of all his Land, to hold of him, and dies; his Heir hath nothing but a Seignory in Groſs.

Lotherwit.

Lotherwit is, that you may take Amends of him who doth defile your Bondwoman without your Licence.

Luſhburg

Lushburg.

LUshburg was a counterfeit Coin in the Time of Edw. 3. made beyond Seas, in likeneſs of English Moneys, and brought in to deceive the King and his Subjects. And therefore it is declared to be Treaſon by the Stat. of 25 E. 3. Stat. 5. cap. 2. for any Man to bring it into the Realm, knowing it to be falſe.

Luſhborow.

L*Uſhborow* fuit un counterfeit Coine en le temps *E.* 3. fait ouſter le Mer, en ſimilitude de deniers *Anglois*, & port eins pur deceiver le Roy & ſes Subjects. Et pur ceo eſt declare deſtre Treaſon per le Statute 25 *E.* 3. *Stat.* 5. *c.* 2. pur aſcun home de ceo porter deins le Realme, ſil ſcavoit que eſt faux.

M.

Mægbote.

MÆgbote was a Recompence for a Kinſman ſlain.

Macegriefs.

MAcegriefs or Macegreſs are ſuch as wittingly buy and ſell ſtolen Fleſh, knowing the ſame to be ſtolen. Brit. cap. 29. Cromp. Juſt. 193. a.

Macremium.

MAeremium is derived from the old Norman word Marriſme, which ſignifies Timber.

Magna Aſſiſa eligenda.

THis is a Writ directed to the Sheriff to ſummon four lawful Knights before the Juſtices of Aſſiſe upon their Oaths, to chooſe twelve Knights of the Vicinage, &c. to paſs upon the great Aſſiſe between the Plaintiff and Defendant. Reg. Orig. fol. 8.

M.

Mægbote.

M*Ægbote* Compenſatio pro Cognato interfecto.

Macegriefs.

M*Acegriefs* ou *Macegreſs* ſont ceux que voluntariment emont & vendont carne emble ſcient ceo de eſtre emble. *Brit. cap.* 29. *Cromp. Juſt.* 193. *a.*

Macremium.

M*Aeremium* eſt derive del veill *Norman* parol *Mariſme*, que ſignifie Timber.

Magna Aſſiſa eligenda.

CEo eſt un Brief direct al Vicount a ſummoner 4 loyal Chivaliers devant le Juſtices del Aſſiſe de electer 12 Chivaliers del Vicinage, *&c.* a paſſer ſur le grand Aſſiſe enter le Pl. & Def. *Reg. Orig. fol.* 8.

Maihem ou *Maime*.

Maihem eſt, lou de l'tortious act de auter aſcun Member eſt damniſie ou tolle, per que le partie eſt fait imperfect a combate: Come ſi un Oſſe ſoit priſe hors del Teſt, ou un debruiſe en aſcun auter part del Corps, ou un Pee, ou Maine, ou Digit, ou joynt de un Pee, ou aſc' Member ſoit ſcy; ou per aſc' plage les Nerves ſont fait de ſhrinker, ou les Digits fait curve; ou ſi un Oyel ſoit miſe hors, anterior Dents debruiſe, ou aſc' auter choſe en le Corps dun home; per reaſon de quel il eſt fait le meins able pur defender luy meſme, ou offend ſon enemy.

Mes le ſcier de un Oriel ou Naſe; ou lenfriender del Dents moliers, ou tiels ſemblables, neſt aſc' Maihem, pur ceo que il eſt plus un Deformitie de le corps que un defect del Strength; & ceo eſt communement try per l'inſpection del partie per les Juſtices. Et ſi les Juſtices ſont en doubt ſi le damage ſoit un *Maihem* ou nemy, ils uſe & voilent de lour grand diſcretion prender' aide & opinion de aſcun credite Surgeon, pur conſider de ceo, devant que ils determine ſur le Caſe.

Mainpernable.

Mainpernable: que poit eſtre mainpriſe ou delivered al *Mainpernors*. Veies le Statute de *Weſtm.* 1. *cap.* 15. queux perſons ſont mainpernable, queux nemy.

Maihem or Maim.

Maihem or Maim is, where by the wrongful Act of another any Member is hurt or taken away, whereby the Party is made unperfect to Fight: As if a Bone be taken out of the Head, or broken in any other part of the Body, or Foot, or Head, or Finger, or Joynt of a Foot; or any Member be cut; or by ſome Wound the Sinews be made to ſhrink, or the Fingers made crooked; or if an Eye be put out, Foretteeth broken, or any other Thing hurt in a Man's Body, by means whereof he is made the leſs able to defend himſelf, or offend his Enemy.

But the Cutting of an Ear or Nole, or breaking of the hinder Teeth, or ſuch like, is no Maihem, becauſe it is rather a Deformity of Body than diminiſhing of Strength; and that is commonly tryed by the Juſtices beholding the Party. And if the Juſtices ſtand in doubt whether the Hurt be a Maihem or not, they uſe and will of their own Diſcretion take the Help and Opinion of ſome skilful Chirurgeon, to conſider thereof, before they determine upon the Cauſe.

Mainpernable.

Mainpernable: That may be mainpriſed or delivered to Mainpernors. See the Statute of Weſtm. 1. Cap. 15. what perſons may be mainpernable, what not.

Mainpriſe

Mainprise.

MAinprise is, when a Man is arrested by Capias, the Judge may deliver his Body to certain Men to keep, and to bring before him at a certain Day; and these are called Mainpernors: And if the Party appear not at the Day assigned, the Mainpernors shall be amerced.

Maintenance.

MAintenance is, where any Man gives or delivers to another, that is Plaintiff or Defendant in any Action, any Sum of Money or other Thing, to maintain his Plea, or takes great Pains for him when he hath Nothing therewith to do; then the Party grieved shall have against him a Writ called a Writ of Maintenance.

Maletolt.

MAletolt, or Malum aut indebitum Telonium; is an unjust Tax upon Wool. See Stat. 25 E. 1. cap. 7.

Manbote.

MAnbote signifies a Pecuniary Compensation for the killing a Man. Lambard.

Mandamus.

MAndamus is a Writ that goes to the Escheator for the Finding of an Office after the Death of one that died the King's Tenant; and it is all one with the Writ of Diem clausit extremum, but that the Diem clausit extremum goes out within the Year after the Death, and

Mainprise.

M*Ainprise* est, quand un home est arrest per *Capias*, les Judges poient deliver son corps a certain homes pur garder, & de luy mesner devant eux a certain jour; & eux sont appelles *Mainpernors*: Et si le partie ne appear al jour assigne, le *Mainpernors* serront amercie.

Maintenance.

M*Aintenance* est, lou ascun home done ou deliver a un auter, que est Plaintife ou Defendant en ascun Action, ascun summe d'argent ou auter chose pur maintainer son Plee, ou fait extreme labour pur luy quand il nad riens a ceo faire; donques le auter partie grieve avera vers luy un Brief appelle Brief de *Maintenance*.

Maletolt.

M*Aletolt*, ou malum aut indebitum Telonium, est un unjust Tax sur lane, veies Stat. 25 *E.* 1. *cap.* 7.

Manbote.

M*Anbote* signifie un Pecuniarie compensation pur le occider de un home. *Lambard.*

Mandamus.

M*Andamus* est un Brief que issuist al Escheator pur le trover de un Office apres le mort d'un que morust Tenant le Roy; & est tout un ove le Brief de *Diem clausit extremum*, si non que le Brief de *Diem clausit extremum* issuist deins le an apres le mort, &

le *Mandamus* ne iſſuiſt tanque apres le an, & en caſe lou ne fuit aſcun *Diem clauſit extremum* ſue hors, ou al meins nient ſue cum effectu. *Fitz. N. B. fol.* 253. *B. C.* Veies le Stat. 12 *Car.* 2. *cap.* 24.

Sont auxi auter ſort de Mandamus, grant ſur motion en Banc le Roy, un al Eveſque de admit Executor a prover un Teſtament, ou a granter Adminiſtration. *Style's Rep.* 78. Et un auter a maunder al Corporations a reſtituer Aldermen, & auters, al Offices hors de queux ils ſont illoyalment expel. Veies 11 *Rep. James Bag's Caſe.*

Mandate.

M*Andate* eſt un Command del Roy ou ſon Juſtices de aver un choſe fait pur le expediter de Juſtice, quel poies veier en le Table del *Regiſt. Judic.*

Mannor.

M*Annor* eſt compound de divers choſes, come de un Meaſon, Terre arable, Paſture, Pree, Boys, Rents, Advowſon, Court-Baron, & tiels ſemblables, queux font un *Mannor*. Et ceo doit eſtre per antient continuance de temps, cujus contrarium memoria hominum non exiſtit: Car a ceo jour un *Mannor* ne poit eſtre fait, pur ceo que un Court-Baron ne poit eſtre fait ore, & un *Mannor* ne poit eſtre ſans un Court-Baron, & Suiters ou Franktenants, deux al meins; car ſi touts les Frank-tenements forſque un eſcheat al Seignior, ou ſil purchaſe touts preter un, la ſon *Mannor* eſt ale, pur ceo que il ne poit

the Mandamus goes not out 'till after the Year, and in Caſe where there was never any Diem clauſit extremum ſued out, or was not ſued out with Effect. Fitz. N. B. 243. B. C. See the Stat. 12 Car. 2. c. 24.

Alſo there is another Sort of Mandamus granted upon Motion in the King's Bench, one to the Biſhop to admit the Executor to prove a Will, or to grant Adminiſtration. Style's Reports, 78. Another to command Corporations to reſtore Aldermen, and others, to Offices out of which they are unjuſtly put. Lock 11 Rep. James Bag's Caſe.

Mandate.

MAndate is a Command of the King or his Juſtices to have any Thing done for the Diſpatch of Juſtice, which you may ſee in the Table of the Regiſt. Judic.

Manor.

MAnor is compounded of divers Things; as of a Houſe, Arable Land, Paſture, Meadow, Wood, Rent, Advowſon, Court-Baron, and ſuch like; which make a Manor. And this ought to be by long Continuance of Time, the contrary whereof Man's Memory cannot diſcern: For at this Day a Manor cannot be made, becauſe a Court-Baron cannot now be made, and a Manor cannot be without a Court-Baron, and Suiters and Freeholders, two at the leaſt; for if all the Free-holds except one eſcheat to the Lord, or if he purchaſe all except one, there his Manor is gone, for that

it cannot be a Manor without a Court-Baron (as is aforesaid;) and a Court-Baron cannot be holden but before Suiters, and not before one Suiter; and therefore where but one Freehold or Free-holder is, there cannot be a Manor properly, although in common Speech it may be so called.

Mansion

MAnsion (Mansio) is most commonly taken for the chief Messuage or Habitation of the Lord of a Manor, the Manor-House where he doth most reside, his Capital Messuage, as it is called; of which the Wife by the Statute of Mag. Chart. cap. 7. shall have her Quarentine.

Manslaughter.

MAnslaughter is the unlawful Killing of a Man without Malice prepensed; as when two meet, and suddainly falling out, the one kills the other. West. part 2. Symbol. Tit. Indictments, Sect. 44. And differs from Murder, because it is not done with foregoing Malice; and from Chancemedly, because it has a present Intent to kill. This is Felony, but admits of Clergy for the first time. Staundf. Pl. Cor. lib. 1. cap. 2. & Brit. cap. 9.

Manucaptio.

MAnucaptio is a Writ that lies for him who is arrested or indicted of Felony, and offers sufficient Sureties for his Appearance; but the Sheriff, or he whom it concerns, will not suffer him to be bailed: Then he shall have this Writ, to com-

estre un *Manner* sans un Court-Baron, (come avant dit;) & un Court-Baron ne poit estre tenus mes devant Suiters, & nemy devant un Suiter; & ideo lou forsque un Frank-tenement ou Frank-tenant est, la ne poit este *Manner* properment, coment en common parlant ceo poit estre issint appel.

Mansion.

M*Ansion* (*Mansio*) est plus usualment prise pur le chief Messuage ou Habitation del Seignior d'un Mannor, le Mease del Mannor en que il plustost reside, Capitale Messuagium, come est appel; de que le feme per le Statute de *Mag. Chart. cap.* 7. avera sa Quarentine.

Manslaughter.

M*Anslaughter* est le illegal tuer de un home sans malice prepense; come quand deux occur & soddainment affraiant le un tue le auter, *West. part* 2. *Symbol Tit. Indictments, Sect.* 44. Et differt de Murder pur ceo que ne est fait ove malice prepense; & de Chance-medley pur ceo que avoit un presen intent de tuer. Ceo est Felony, mes admit de Clergy pur le primer temps. *Staundf. Pl. Cor. lib.* 1. *cap.* 9. *& Brit. cap.* 9.

Manucaptio.

M*Anucaptio* est un Brief que gist pur cestuy que est arrest ou indite de Felonie, & offer sufficient Sureties pur son Appearance; mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile: Donque il avera cest

Brief, eux mandant de luy leſſer a Mainpriſe. Veies de ceo *Fitz. N. B fol.* 249. *G.*

Manumiſſion.

M*Anumiſſion* eſt le feſans de un Villein deſtre franke, & puit eſtre en deux ſorts; le un eſt un Manumiſſion explicita, l'auter un Manumiſſion implicita.

Manumiſſio Explicita eſt quand le Seignior fait un Fait al ſon Villein pur luy enfranchiſer per ceſt parol (*Manumittere,*) quod idem eſt quod extra manum vel extra poteſtatem alterius ponere.

Le manner de Manumitting ou Enfranchiſing en temps paſſe plus uſualment fuit iſſint. Le Seignior (en preſence des ſes vicines) priſt le Villeine per le Teſt, diſant, *Je voile que ceſt home ſoit franke*; & ove ceo il luy miſe avant hors de ſes maines, & per ceo il fuit franke.

Manumiſſio Implicita ſans ceſt parol (*manumittere*) eſt, quand le Seignior fait un Obligation a ſon Villein a payer a luy money, al un certaine jour, ou luy ſue lou il poit enter ſans Suit, ou grant luy un Annuitie, ou leſſa Terre a luy per Fait pur ans, ou vie, & en divers ſemblables caſes; le *Villein* per ceo eſt fait *franke.*

Manumiſſion.

MAnumiſſion is the making a Bond-man free, and may be in two Sorts; the one is a Manumiſſion expreſſed, the other a Manumiſſion implied.

Manumiſſion expreſſed is, where the Lord makes a Deed to his Villain to inkranchiſe him by this Word (Manumittere) which is as much as to ſay, as to let one go out of another Man's Hands or Power.

The Manner of Manumitting or Inkranchiſing in old Time, moſt uſually was thus. The Lord (in Preſence of his Neighbours) took the Bond-Man by the Head, ſaying, I will that this Man be free; and therewith ſhoved him forward out of his Hand, and by this he was free.

Manumiſſion implied without this Word (Manumittere) is, when the Lord makes an Obligation to his Villain to pay him Money at a certain Day, or ſues him where he might enter without Suit, or grants him an Annuity, or leaſes Lands to him by Deed for Years, or Life, and in divers like Caſes the Villain thereby is made free.

Marchers.

M*Archers* ſont les Noblehomes inhabitants ſur les Marches de *Gales* & *Eſcoſe*, que en temps devant avoient lour private Leys, ſicome fuiſſent Roys; & pur ceo en Statutes de 2 *H.* 4. *c.* 28. 26 *H.* 8. *c.* 6. 27 *H.* 8. *c.* 26. &

Marchers.

MArchers are the Noblemen dwelling on the Marches of Wales or Scotland, who in Times paſt had their private Laws, as if they had been Kings; and therefore in the Statutes of 2 H. 4. c. 28. 26 H. 8. cap. 6. 27 H. 8. cap. 26. an

and 1 E. 6. cap. 10. they are called Lord Marchers.

Marches.

MArches are the Bounds and Limits betwixt us and Wales or Scotland, ſo called either from the German Word (March) which ſignifies a Frontier or Border; or elſe from the French Word (Marque) that is, a Sign or Token of Diſtinction, theſe being the notorious Diſtinctions of two divers Countries. Of theſe you ſhall read in the Statutes of 4 H. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. and others.

Marchet.

MArchet is a cuſtomary Fine to marry his Daughter. And Co. Lit. fo. 140. ſays it is called Marchet, as it were a Chete or Fine for Marriage.

Marſhal.

MArſhal is a general Word for many Officers in England: As the Lord or Earl Marſhal, of whom Mention is made in the Statutes of 13 R. 2. cap. 2. and 1 H. 4. c. 7. & 14. the Marſhal of the King's Houſe, of whom you may read F. N. B. f. 241. B. and in the Statute of Artic. ſup Chart. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. and others. There are alſo other inferior Marſhals mentioned in our Books; as the Marſhal of the King's Bench in the Statute of 5 E. 3. c. 8. and F. N. B. f. 251. I. who hath the Cuſtody of all the Priſoners of that Court; and the Marſhal of the Exchequer, mentioned in the Statute of 51 H. 3: Stat. 5. called the Statute of the Exche-

1 E. 6. c. 10. ils ſont appels *Seigniors Marchers*.

Marches.

M*Arches* ſont les Limits enter nous & *Gales* ou *Eſcoſe*, iſſint appels ou del parol *Germanois* (*March*) que ſignifie Limitem, ou del parol *Francois* (*Marque*) ceſt aſcavoire, un Signe del diſtinction, ceux eſteants le notorious Diſtinctions de deux divers Regions. De ceux poies lier en les Statutes de 4 *Hen* 5. *cap.* 7. 22 *E.* 4. *cap.* 8. 24 *H.* 8. *cap.* 9. & auters.

Marchet.

M*Archet* eſt un cuſtomary fine pur liberty de marrier ſa File. Et *Co. Lit. fol.* 140. dit que eſt appel Marchet, come un Chete ou Fine pur Marriage.

Marſhall.

M*Arſhall* eſt un general parol pur mults Officers en *Angleterre*; Come le Seignior, ou Count Marſhal, de quel mention eſt foit en les Statutes de 13 *R.* 2. *c.* 2. & 1 *H.* 4. *c.* 7, & 14. le Marſhall del Hoſtel le Roy, de que poies lier en *F. N. B. f.* 241. *B.* & en le Stat. de *Artic. ſup. Chart. c.* 23. 18 *E.* 3. *c.* 7. 2 *H.* 4. *c.* 3. 15 *H.* 6. *c.* 1. & auters. Sont auxy auters inferiour Marſhalls mention en noſtre Livres; come le Marſhall de Banke le Roy, en le Statute 5 *E.* 3. *c.* 8. & en *F. N. B. f.* 251. *I.* que avoit le cuſtodie des touts les priſoners de ceo Court; & le Marſhall del Exchequer, mention en le Statute de 51 *H.* 3.

Stat. 5, appel le Statute de Eſchequer. *Marſhall* eſt un parol *Francois*, & eſt tant a dire come *Magiſter equitum*: Car ſemble que venuſt del parol *Germanous* (*Marſchalk*) que ad ceo ſignification.

Marſhalſea.

M*Arſhalſea* eſt le Court ou ſeat del Marſhall del Hoſtel le Roy, de que poies lier a large en *Coke*, *l. 6. f. 20. B.* & *l. 10. f. 68 B.* Eſt auxy priſe pur le Priſon pertinant al Court del Bank le Roy, de que le Marſhal de ceo Court eſt le Gardian; Car iſſint ſont les formes des Bills la, que *A.* queritur de *B.* in cuſtodia Mareſcalli Mareſcalciæ Domini Regis, *&c.*

Maugre.

M*Augre* eſt un parol compound des deux parols *Francois* (*Mal*) & (*Gree*): Iſſint que eſt tant adire come invito animo, ou en deſpight d'un auter. Et iſſint eſt uſe en *Littleton*, *ſect.* 672. lou eſt dit, que le Baron & Feme ſerront remits *maugre* le Baron, ceſtaſcavoire en deſpight ou encounrer le volunt le Baron.

Maximes.

M*Aximes* ſont les Foundations del Ley, & les Concluſions de Reaſon, & ſont Cauſes efficient, & certeine univerſal Propoſitions cy ſure & perfect, que ils ne poient eſtre a aſcun temps impeach ou impugne, mes doient touts ſoits eſtre obſerve, & tenus come fort Principles & Authorities de luy meſmes, nient quer. Marſhal is a French Word, and is as much as to ſay, Maſter of the Horſe; for it ſeems to come of the German (Marſchalk) which hath that Signification.

Marſhalſea.

MArſhalſea is the Court or Seat of the Marſhal of the King's Houſe, of which you may read at large in Coke, l. 6. 20. B. & l. 10. f. 68. B. It is alſo taken for the Priſon belonging to the Court of the King's Bench, of which the Marſhal of that Court is the Keeper: For ſo are the Forms of the Bills there, that A. complains of B. in the Cuſtody of the Marſhal of the Marſhalſea of our Lord the King, &c.

Maugre.

MAugre is a Word compounded of two French Words (Mal) and (Gree;) ſo that it is as much as to ſay, with an unwilling Mind, or in Deſpight of another. And ſo it is uſed in Littleton, ſect. 672. where it is ſaid, that the Husband and Wife ſhall be remitted maugre the Husband, that is in Deſpight or againſt the Will of the Husband.

Maximes.

MAximes are the Foundations of the Law, and the Concluſions of Reaſon, and are Cauſes efficient, and certain univerſal Propoſitions ſo ſure and perfect, that they may not be at any time impeached or impugned, but ought always to be obſerved, and holden as ſtrong Principles and Authorities of themſelves, although they cannot be proved

by

by Force of Argument or Demonstrations Logical, but are known by Induction by the way of Sense and Memory. For Example, it is a Maxim, that if a Man have Issue two Sons by divers Women, and the one purchases Lands in Fee, and dies without Issue, the other shall never be his Heir, &c.

And it is another Maxime, that Lands shall descend from the Father to the Son, but not from the Son to the Father, for that is an Ascension, &c. And divers such there are, whereof see Doctor and Student.

Maynour.

MAynour is, when a Thief hath stollen, and is followed with Hue and Cry, and taken, having that found about him which he stole, that is called Maynour. And so we commonly use to say, when we find one doing of an unlawful Act, that we took him with the Maynour or Manner.

Meane.

MEane. See Mesne.

Mease.

MEase or Messuage seems to come from the French Word Maison or Mansion, which is no other but a Place of Abiding or Habitation. And yet Messuage in our Law contains more than the very Place of Habitation: For a House and a Messuage differ, in that a House cannot be intended other than the Matter of Building; but a Messuage shall be said all the Mansion-

obstant ils ne poient estre prove per force d'Argument ou Demonstration Logical, mes sont conus per Induction per le voy de Sense & Memorie. Pur example, il est un *Maxime*, que Si *home ad issue deux Fitz per divers venters, & l'un purchase Terres en fee, & moruſt sans issue, le auter ne unques serra son Heir*, &c.

Item il est un auter *Maxime*, que *Terres discendera del Pere al Fits, mes nemy del Fits al Pere*, car ceo est un Ascension, &c. Et divers tiels semblables il y ad, dont veies le *Doctor & Student*.

Maynour.

M*Aynour* est, quand un Laron ad emblee, & est pursue ove Hue & Crie, & prise, ayant ceo trove ovesque luy que il ad emblee, ceo est appelle *Maynour*. Et issint nous communement use pur dire, quand nous trovomus un fesant de un illoyal act, que nous luy prist ovesque le *Maynour* ou manner.

Meane.

M*Eane*. Veies *Mesne*.

Mease.

M*Ease* (*Messuagium*) semble de vener del parol *Francois Maison* ou *Mansion*, que nest auter forsque un Lieu de abider ou Habitation. Et uncore *Messuage* en nostre Ley comprehend plus que le verie Lieu del Habitation: Car Domus & Messuagium differ en ceo que *Domus* ne poit estre intend auter que les choses en Building; mes *Messuagium* ser-

ra dit toute le Manſion-lieu, & le Curtelage ſerra priſe come parcel de un Meſſuage, 20 *H.* 7. *Kelleway*, *f.* 57. *a.* Et per le noſme de un *Meſſuage* le Garden & le Curtelage paſſera. *Plowden*, *f.* 171. *a.*

Place, and the Curtelage ſhall be taken as Parcel of the Meſſuage, 20 H. 7. Kelleway, fol. 57, a. And by the Name of a Meſſuage, the Garden and Curtelage ſhall paſs, Plowden, fol. 171. a.

Meaſondieu.

MEaſondieu eſt un appellation done as divers Hoſpitals en ceſt Realme, que iſſint ſont appel, *An* 2 & 3 *P.* & *M. c.* 23. & 15 *Car.* 2. *c.* 7. Et venuſt de *Francois* (*Maiſon de Dieu*) & neſt plus que *Domus Dei* ou God's Houſe en *Anglois*.

Meaſondieu.

MEaſondieu is an Appellation of divers Hoſpitals in this Kingdom, which are ſo named, Anno 2 & 3 P. & M. cap. 23. & 15 Car. 2. c. 7. And it comes of the French (Maiſon de Dieu) and is no more but God's Houſe in Engliſh.

Medietas Linguæ.

MEdietas *Linguæ* eſt un Inqueſt impannel ſur aſcun cauſe, de que l'un moietie eſt des Denizens, le auter Aliens; & eſt uſe en Plees enter parties, dont l'un eſt un Denizen, & auter un Alien. Et ceſt manner de Trial fuit primes done per le Stat. de 27 *E.* 3. *Stat.* 2. *cap.* 8. Et per le Statute de 28 *E.* 3. *cap.* 13. fuit graunt en caſes lou le Roy meſme fuit partie ove un Alien.

Medietas Linguæ.

MEdietas Linguæ is an Inqueſt impanell'd upon any Cauſe, whereof the one Half is of Denizens, the other Strangers; and it is uſed in Pleas between Parties, whereof one is a Denizen, and the other a Stranger. And this Manner of Trial was firſt given by the Statute of 27 E. 3. Stat. 2. cap. 8. And by the Statute of 28 E. 3. c. 13. it was granted in Caſes where the King himſelf was Party with an Alien.

Melius inquirendo.

MElius *inquirendo* eſt un Brief que eſt direct al Eſcheator pur un ſecond Inquiſition deſtre fait, quand eſt aſcun ſuſpition del partialite en un Inquiſition fait ſur un *Diem clauſit extremum* apres le mort le Tenant le Roy. Veies *F. N. B. fol.* 255. C.

Melius inquirendo.

MElius Inquirendo is a Writ directed to the Eſcheator for a ſecond Inquiry to be made, when there is any Doubt of Partiality in an Inquiry made upon a Diem clauſit extremum after the Death of the King's Tenant. See F. N. B. f. 255. C.

Menials.

MEnials are thoſe Servants which live within their Maſters Walls of his Houſe. See the Statute of 2 H. 4. 21.

Merchenlage.

MErchenlage is one of thoſe three Laws out of which William the Conqueror framed our Common Laws with a Mixture of the Laws of Normandy. And it was the Law of the Mercians, when they had the Government of the third Part of this Realm.

Meſnalty.

MEſnalty is the Right of the Meſne, as the Meſnalty is extinct. Old Nat. Br. f. 44.

Meſne.

MEſne is, where the Owner of Lands or Tenements holds of one by certain Services, and he holds them of another by like or other Services; then he who holds the Lands is called Tenant paravail, and he of whom it is held is called Meſne, and he of whom the Meſne holds is called chief Lord, or Lord Paramount. And in this Caſe, if the Lord above diſtrains the Tenant for the Service of the Meſne, who ought to acquit him to the chief Lord, then the Tenant ſhall have a Writ of Meſne, ſo called, againſt the Meſne; and if he acquit not the Tenant, then the Meſne ſhall loſe the Service of the Tenant, and ſhall be forejudged of his Seigniory, and the Tenant ſhall be immediate Tenant to the chief Lord, and ſhall do him the ſame

Menials.

M*Enials* ſont ceux Servants que vivont deins les Meurs del Meaſon de lour Seigneurs. Veies le Stat. 2 *H.* 4. 21.

Merchenlage.

M*Erchenlage* eſt un de ceux trois Leys hors de queux *Gulielme* le Conqueror frame noſtre Common Ley, ove le mixture des Leys de *Normandie*. Et fuit le Ley des *Merciens*, quand ils avoient le regiment del tierce part de ceſt Realme.

Meſnalty.

M*Eſnaltie* eſt le droit de Meſne; come le *Meſnaltie* eſt extinct. *Veil. N. B. f.* 44.

Meſne.

M*Eſne* eſt, lou l'Owner del Terres ou Tenements ceux teigne d'un per certaine Services, & il ceux tenoit dun auter per autiels ou auter Services; la ceſtuy que tient les Terres eſt appel *Tenant paravail*, & ceſtuy de que il teigne eſt appel *Meſne*, & ceſtuy de que le Meſne tenoit eſt appel *Seignior Paramount*. Et en ceſt caſe, ſi le Seignior Paramount diſtraine le Tenant pur le Service le *Meſne*, que luy doit acquite al Seignior paramount, donques le Tenant avera un Brief vers le *Meſne*, que eſt appel *Brief de Meſne*; & ſi il ne acquite le Tenant donques le *Meſne* perdra le Service le Tenant, & ſerra forejudge de ſon Seigniorie, & le Tenant ſerra Tenant immediate al chiefe Seignior, & ſerra luy meſmes

les

les Services & Suits come le *Mesne* fist.

Messuage.

MEssuage. Veies *Mease.*

Metropolitane.

M*Etropolitane* signifie les Archieveſques, de queux *Canterburie*, eſt noſme totius *Angliæ Primas & Metropol.* Et *York* ſemble ſans le parol, *Totius.*

Miſadventure.

M*Iſadventure* eſt le tuer de un home per negligence ou accident, come per negligent jetter de aſcun choſe per que il occide un auter. Et ceo ne eſt Felony, mes il perdra ſes Biens, & avera ſon Pardon durant ſon vie.

Miſcreant.

M*Iſcreant* eſt un que eſt pervert al Hereſie ou faux Religion. *Bro. Preſentation*, 54.

Miſe.

M*Iſe* eſt un parol *Francois*, & ſignifie tant come *Expenſum* en *Latine*; & iſſint eſt frequentment uſe en les Entries des Judgments en Perſonal Actions: Quand le Plaintiff recover, le Entrie eſt, quod *Recuperet Damna ſua* a tiel value, & tant *pro miſis & cuſtagiis*, La eſt auxy un auter accepter ou ſignification de ceſt parol en Ley, lou eſt priſe pur le Iſſue de eſtre trie per Battaile ou Grand Aſſiſe. Et iſſint eſt uſe en *Littleton*, *ſect.* 478, 482. & divers auters, lou *joinder del Miſe ſur le*

Services and Suits as the Meſne did.

Meſſuage.

MEſſuage. See Mease.

Metropolitan.

METropolitan ſignifies the Archbiſhops, of whom Canterbury is ſtyled, Totius Angliæ Primas & Metropol. And York the like Title, without the Word Totius.

Miſadventure.

MIſadventure is the killing of a Man by Negligence or Accident, as by the careleſs throwing of any Thing whereby he killeth another. And this is not Felony, but he ſhall loſe his Goods, and ſhall have his Pardon for his Life.

Miſcreant.

MIſcreant is one who is perverted to Hereſie, or a falſe Religion. Bro. Preſentation, 54.

Miſe.

MIſe is a French Word, and ſignifies as much as Expenſum in Latin; and it is ſo ordinarily uſed in the Entries of Judgments in Perſonal Actions: When the Plaintiff recovers, the Entry is, that Recuperet Damna ſua to ſuch a Value, and pro miſis & cuſtagiis for Coſts and Charges, ſo much. There is alſo another Acception or Signification of this Word in the Law, where it is taken for the Iſſue to be tried by Battail or Grand Aſſiſe. And ſo it is uſed in Littleton, ſect. 478, 482. and divers others, where

here joining of the Miſe upon e meer Right is putting it in ſſue, who hath the beſt or clear- Right.

Miſericordia.

Miſericordia is uſed in the Common Law for an Amerſament or Mulct ſet upon any n an Offence, as where the laintiff or Defendant in any ction are amerced, the Entry always, Ideo in Miſericordia, c. And it is therefore called iſericordia, as Fitzh. ſays, N. fol. 75. H. for that it ſhould but ſmall and leſs than the ault, and ſaving his Contenent, as the Statute of Magna arta, cap. 14. ſpeaks. And erefore if a Man be outragiſly amerced in a Court not of cord, as in a Court-Baron, c. there is a Writ called Moata Miſericordia to be directed the Lord or his Baily, comanding them that they take oderate Amerciaments accordg to the Quantity of the ault. And of that ſee Fitzh. B. fol. 75. A. and Moderata iſericordia after.

Miſnomer.

Miſnomer is the Miſtake of a Name, or the uſing of one ame for another. See Broke, t. Miſnomer.

Miſpriſion.

Miſpriſion is, when one knows that another hath committed reaſon or Felony, and will diſcover him to the King or Council, or to any Magiate, but conceals the ſame. bers other Offences are called iſpriſion: As when a Chapn had fixed an old Seal of a *mere droit* eſt mitter ceo en iſſue, que avoit le melieur ou plus clere droit.

Miſericordia.

Miſericordia eſt uſe en le Common Ley pur un Amerciament ou Peine miſe ſur aſcun pur un Offence; come lou le Plantiff ou Defendant en aſcun Action eſt amerce, le Entrie eſt touts foits, *Ideo in miſericordia, &c.* Et eſt pur ceo appel *Miſericordia*, come *Fitzh.* dit *N. B fol. 75. H.* eo que doit eſtre forſque petite & meins que le offence, & ſalvo Contenemento, come le Statute de *Mag. Chart. cap. 14.* parle. Et pur ceo ſi home ſoit outragiouſment amercie en un Court que eſt de Record, come en Court Baron, *&c.* la eſt un Brief appel *Moderata Miſericordia* deſtre direct al Seignior ou Baily, eux commandant que ils prenderont moderates Amerciaments ſolonque le quantitie del treſpaſs. Et de ceo veies *Fitz. N. B. fol. 75. A.* & *Moderata Miſericordia* apres.

Miſnomer.

Miſnomer eſt le Miſtake de un Nome, ou le uſing de un Nome pur un auter. Veies *Broke, tit. Miſnomer.*

Miſpriſion.

Miſpriſion eſt, quand aſcun ſciet que un auter ad fait Treaſon ou Felonie, & il ne voile luy diſcover al Roy, ou ſon Councel, ou a aſcun Magiſtrate, mes conceala ſon offence. Divers auters Offences ſont appelle *Miſpriſion*; Sicome un Chaplein ad fixe un

an-

antient Seal de un Patent a un novel Patent de Non-residence, ceo fuit tenus destre *Misprision* de Treason tantum, & nul counterfeit del Seal del Roy. Issint est tenus en 37 *H.* 8. *Bro. tit. Treason.* 3. *in fine.* Mes 2 *H.* 4. *fol.* 25. *A.* est adjudge contra; & *Staundf. Pl. cor. fol.* 3. *B.* cite ceo pur Treason; & issint est tenus a cest jour.

Item si un auter sciet Money destre faux, & port ceo hors de *Ireland* en *Angleterre*, & utter ceo en payment, ceo est forsque *Misprision* de Treason, & nemy Treason; & issint est en divers semblables Cases.

En touts cases de *Misprision de Treason*, le partie offendor forfeitera ses Biens a touts jours, & les profits de ses Terres pur son vie, & son Corps al prison al pleasure del Roy.

Et pur *Misprision de Felonie* ou Trespasse, le Offendor serra commit al Prison, tanque il ad trove Sureties ou Pledges pur son Fine, que serra assesse per le discretion de les Justices devant que il fuit convict.

Et nota, Que en cheseun Treason ou Felonie est include *Misprision*; & lou ascun ad fait Treason ou Felonie, le Roy poit causer luy destre endicte & arraigne forsque de *Misprision* solement, si il voile. Vide plus de ceo *Staundf. lib.* 1. *cap.* 39.

Mittimus.

Mittimus est un Brief per que Records sont transferre del un Court al auter; ascun foits immediatement, Patent to a new Patent of Non-residence; this was held to be Misprision of Treason only, and no Counterfeiting of the King's Seal. So it is holden in 37 H. 8. Bro. tit. Treason 3. in Fine: But 2 H. 4. f. 25. A. it is adjudged contrary; and Staundf. Pl. cor. fol. 3. B. cites it for Treason; and so it is holden at this Day.

And if a Man know Money to be counterfeit, and bring the same from out of Ireland hither, and utter it in Payment, yet this is but Misprision of Treason, and no Treason: And so it is in divers like Cases.

In all Cases of Misprision of Treason, the Party Offendor shall forfeit his Goods for ever, and the Profits of his Lands for his Life, and his Body to Prison at the King's Pleasure.

And for Misprision of Felony or Trespass, the Offendor shall be committed to Prison, until he have found Sureties or Pledges for his Fine, which shall be assessed by the Discretion of the Justices before whom he was convict.

And Note, That in every Treason or Felony is included Misprision; and where any Man hath committed Treason or Felony, the King may cause him to be indicted and arraigned of Misprision only, if he will. See more hereof, Staundf. lib. 1. cap. 39.

Mittimus.

Mittimus is a Writ by which Records are transferred from one Court to another Sometimes immediately, a

e appears in the Statute of 5 R. 2. cap. 15. as out of the King's Bench into the Exche-quer; and ſometimes by a Cer-tiorari into the Chancery, and rom thence by a Mittimus into nother Court, as you may ſee n 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

This Word is uſed alſo for he Precept that is directed by Juſtice of Peace to a Gaoler or the receiving and ſafe keep-ing of a Felon, or other De-endor, committed by the ſaid Juſtice to the Gaol.

Moderata Miſericordia.

MOderata Miſericordia is a Writ that lies where a Man is amerced in Court-Baron or County more than he ought to be; then he ſhall have this Writ directed to the Sheriff, if it be in the County, or to the Bailiff, if it be in Court-Baron, commanding them that they amerce him not but with Regard to the Quantity of the Treſpaſs: And if they obey not this Writ, then ſhall go forth againſt them a Sicut alias, and Cauſam nobis ſignifices, and af-ter that an Attachmene.

Modus Decimandi.

MOdus decimandi is, Money or other Thing of Value given annually in Lieu of Tithes: The Trial of which appertains to the Common Law, and not to any Court-Chriſtian. Ridley's View of the Civil Law, 141. In which he ſays, that in the Time of Will. I. There was one modus decimandi pro omni-bus rebus per totum regnum.

come appiert en le Stat. 5 R. 2. cap. 15. come hors del Bank le Roy en le Exchequer; & aſcun foits per un *Certiorari* en le Chancerie, & dillonques per un *Mittimus* en auter Court, come poies veier en 28 H. 8. *Dyer, fol.* 29. *a, b.* & 29 H. 8. *Dyer, fol.* 32. *a, b.*

Ceſt parol eſt auxy uſe pur le Precept que eſt direct per un Juſtice del Peace al Gaoler pur le receiver & ſafement garder dun Felon, ou auter Offendor, commit per le dit Juſtice al Gaole.

Moderata Miſericordia.

M*Oderata Miſericordia* eſt un Brief que giſt lou home eſt amercie en Court-Baron ou Countie plus que devoit eſtre; donques il avera ceſt Brief direct al Viſcount, ſi ſoit en le Countie, ou al Bailiffe, ſi ſoit en Court-Baron, eux com-mandant que ils ne luy amer-ciont mes ayent regard al quan-titie del Treſpaſſe; ſils ne o-bey cel Brief donques iſſera vers eux un *Sicut alias*, & *Cauſam nobis ſignifices*, & apres ceo un *Attachment*.

Modus decimandi.

M*Odus decimandi* eſt, deniers ou auter choſe de value done annualment en lieu de diſmes: Le tryal de quel ap-pertaine al common Ley, & ne-my al aſcun Court Chriſtian. *Ridley's View del Civil Ley*, 141. En quel il dit que en le temps de *William* le primer il fuit un *modus decimandi per to-tum regnum pro omnibus rebus.*

Monſtrans de Droit.

MOnſtrans *de Droit* eſt un Suit en le Chancery pur le Subject deſtre reſtore as Terres & Tenements queux il monſtre deſtre ſon Droit, mes ſont per Office troves deſtre en le poſſeſſion de un que darreinment moruſt, per quel Office le Roy eſt entitle al un Chattel, Franktenement, ou Inheritance en les dits Terres. Et ceſt *Monſtrance de Droit* eſt done per les Statutes de 34 *E.* 3. *cap.* 14. & 36 *E.* 3. *cap.* 13. Veies *Coke, lib.* 4. *fol.* 54. *B.* en le Caſe del Wardens & Communalties des *Sadlers.*

Monſtrans de Faits ou Records.

MOnſtrans *de Faits ou Records* eſt ſicome, pur example, un Action de Det ſoit port envers *A.* ſur un Obligation per *B.* ou per Executors, *&c.* Apres le Plaintife ad declare, il doit *monſtre* ſon Obligation, & le Executor le Teſtament, al Court. Et iſſint eſt de Records.

Et le diverſitie perenter *Monſtrance de Faits ou Records*, & *Oyer de Faits ou Records*, eſt iſſint: Il que pleade le Fait ou Record, ou declare ſur ceo, doit *monſtre* ceo; & lauter vers que tiel Fait ou Record eſt pleade ou declare, & eſt per ceo deſtre charge, poit demand *Oyer* de ceo Fait ou Record, que ſon adverſarie port ou plead vers luy.

Monſtraverunt.

MOnſtraverunt eſt un Brief que giſt pur le Tenants en

Monſtrans de Droit.

MOnſtrans de Droit is a Suit in Chancery for the Subject to be reſtored to Lands and Tenements which he ſhews to be his Right, but are by Office found to be in the Poſſeſſion of another that is lately dead, by which Office the King is entitled to a Chattel, Free-hold, Inheritance in the ſaid Lands. And this Monſtrans de Droit is given by the Statutes of 34 E. 3. cap. 14. and 36 E. 3. cap. 13. See Coke, lib. 4. fol. 54. B. the Caſe of the Wardens and Commonalty of Sadlers.

Shewing of Deeds or Records.

SHewing of Deeds or Records is thus: An Action of Debt is brought againſt A. upon an Obligation by B. or by Executors, &c. After the Plaintife hath declared, he ought to ſhew his Obligation, and the Executor for the Teſtament, to the Court. And ſo it is of Records.

And the Diverſity between Shewing of Deeds or Records and Hearing of Deeds or Records, is this: He that pleads the Deed or Record, or declares upon it, ought to ſhew the ſame, and the other againſt whom the Deed or Record is pleaded or declared, and is thereby to be charged, may demand Hearing of the ſame Deed or Record, when his Adverſary brings or pleads againſt him.

Monſtraverunt.

MOnſtraverunt is a Writ that lies for the Tenants in

ient Demeſne, and is directed
o the Lord, him commanding
ot to diſtrain his Tenant to
o other Service than he ought:
nd they may have this Writ
irected to the Sheriff, that he
ffer not the Lord to diſtrain
e ſaid Tenant to do other
ervice.

If the Tenants cannot be in
uiet, they may have an Attach-
ent againſt the Lord, to ap-
ear before the Juſtices; and
l the Names of the Tenants
all be put in the Writ though
ut one of them be grieved.

Alſo if any Land in Ancient
emeſne be in Variance be-
ween the Tenants, then the
enant ſo grieved ſhall have
ainſt the other a Writ which
called of Right cloſe, after the
uſtom of the Manor; and
at ſhall be always brought in
e Lord's Court, and there-
pon he ſhall declare in the Na-
re of what Writ he will, as
s Caſe lies; and this Writ
all not be removed, but for a
eat Cauſe, or Non-Power of
e Court.

Alſo if the Lord in another
lace out of Ancient Demeſne
ſtrain his Tenant to do other
ervice than he ought, he ſhall
ve a Writ of Right, called Ne
juſte vexes; and it is a Writ
Right Patent, which ſhall be
ied by Battel or Grand Aſ-
e.

Moot.

MOOT or Mote is a Term well underſtood at the Inns Court, and cometh from the ſaxon Word Gemote, which ſignifies a Court, Plea, or Convention, as Mota de Hereford, i. curia vel Placita Com. Hereford. And of this there are ſe-

Ancient demeſne, & eſt direct al Seigneur, luy commandant que il ne diſtraine ſon Tenant pur fair auter Service que il doit: Et ils poient aver ceſt Brief direct al Vicount, que il ne ſuffer le Seigniour a diſtraine les dit Tenant pur faire auter Service.

Si les Tenants ne poient eſtre en quiet, ils poient aver un *Attachment* vers le Seignior de appearer devant les Juſtices; & touts le noſmes des Tenants ſerront miſe en le Brief, coment que forſque un de ceux ſoit grieve.

Auxy ſi aſcun Terre en Ancient demeſne ſoit en variance enter les Tenants, donques le Tenant iſſint grieve avera vers le auter Brief quod vocatur *Droit cloſe, ſecundum Conſuetudinem Manerii*; & ceo ſerra touts foits port en le Court le Seign', & ſur ceo il countera en le nature de quel Brief il voit, come ſon caſe giſt; & ceſt Brief ne ſerra remove, ſi non pur grand cauſe, ou non power de le Court.

Auxy ſi le Seignior en auter lieu hors del ancient Demeſne diſtraine ſon Tenant de faire auter Service que il doit, il avera Brief de Droit, appelle *Ne injuſte vexes*; & ceſt un Brief de Droit Patent, que ſerra trie per Battel ou Grand Aſſiſe.

Moot.

MOOT ou *Mote*, eſt un term bien conuſt al les Inns de Court, & vient del *Saxon* parol *Gemote*, que ſignifie *Curia, Placitum ſive Conventus*, come Mota de *Hereford*, i. e. Curia vel Placita Comitatus de *Hereford*. Et de ceo ſont ſe-

veral

veral ſorts, come *Wittingemote*, *Folcgemote*, *Sciregemote*, *Burgemote*, &c.

Mortdanceſter.

Mortdanceſter. Vide devant en le Title *Coſinage*.

Mortgage, ou *Morgage*.

Mortgage, ou *Morgage* eſt, quand un fait un Feoffment a un auter ſur tiel condition, que ſi le Feoffor paya al Feoffee a certain jour 40 l. de argent, que adonque le Feoffor poit re-enter, *&c.* En ceo Caſe le Feoffee eſt appel Tenant en *Morgage*. Et ſicome un home poit faire Feoffment en Fee en *Morgage*, iſſint il poit faire Done en taile, ou Leaſe pur vie ou pur ans en *Morgage*. Et il ſemble que la cauſe pur que il eſt appel *Morgage* eſt, pur ceo que il eſtoit en autuſt ſi le Feoffor voile payer al jour limit le argent ou non; & ſi il ne paya pas, donque le Terre que il miſt en *gage* ſur condition de payment de le money eſt ale de luy a touts jours, & iſſint *mort* a luy ſur condition: Mes ſi il paya le money, donques eſt le *gage mort* quant a le Tenant, ceſt-aſcavoir, le Feoffee. Et pur ceſt cauſe il eſt appel en *Latine Mortuum vadium*, come *Littleton* dit; ou *Mortuum vas*, come jeo penſe.

Auxy ſi Feoffment ſoit fait en *Morgage* ſur condition, que ſi le Feoffor paya tiel ſumme a tiel jour, *&c.* & le Feoffor moruſt devant le jour, uncore ſi le Heire le Feoffor paya le ſumme a meſme le jour al Feoffee, & le Feoffee ceo refuſa, le Heire le Feoffor poit enter. Mes en tiel caſe, ſi ne

veral kinds, as Wittingemote, Folcgemote, Sciregemote, Burgemote, &c.

Mortdanceſter.

Mortdanceſter. See before in the Title Coſinage.

Mortgage, *or* Morgage.

Mortgage, or Morgage is when a Man makes a Feoffment to another on ſuch Condition that if the Feoffor pay the Feoffee at a certain Day 40 l. Money, then the Feoffor may re-enter, &c. In this Caſe the Feoffee is called Tenant in Morgage. And as a Man may make a Feoffment in Fee in Morgage ſo he may make a Gift in Tail or a Leaſe for Life or Years in Morgage. And it ſeems the Cauſe why it is called Morgage is, for that it ſtands in Doubt whether the Feoffor will pay the Money at the Day appointed or not; and if he fail, then the Land which he laid in Gage upon Condition of Payment of the Money, is gone from him forever, and ſo dead to him upon Condition: But if he pay the Money, then is the Gage dead as to the Tenant, that is, the Feoffee. And for this Cauſe it is called in Latin Mortuum vadium as Littleton ſaith; or Mortuum vas, as I think.

Alſo if a Feoffment be made in Morgage upon Condition that if the Feoffor pay ſuch a Sum at ſuch a Day, &c. and the Feoffor dies before the Day yet if the Heir of the Feoffor pay the Sum at the ſame Day to the Feoffee, and the Feoffee refuſe it, the Heir of the Feoffor may enter. But in ſuch

if there be no Day of Payment expreſſed, then ſuch Tender of the Heir is void, becauſe when the Feoffor dies, the Time of Tender is paſt; otherwiſe the Heirs of the Feoffor ſhall have Time of Tender for ever, which would be inconvenient, that one ſhall have a Fee ſimple to him and his Heirs defeaſible always at the Pleaſure and Will of others. But in the firſt Caſe the Time of Tender was not expired by the Death of the Feoffor.

Mortmain.

MOrtmain: Where Lands are given to a Houſe of Religion, or to other Company Incorporate by the King's Grant, the Land is come into Mortmain, that is in Engliſh, a dead Hand; and then the King or the Lord, of whom the Land is holden, may enter, as appears by the Statute de Religioſis. And if one make a Feoffment upon Truſt to certain Perſons to the Uſe of a Houſe of Religion, or to the Uſe of any Guild or Fraternity Corporate, it ſhall be ſaid Mortmain, and he ſhall incur the ſame Penalty, as appears by the Statute, Anno 15 R. 2.

Mortuary.

MOrtuary is that Beaſt or other Chattel moveable, which, after the Death of the Owner, by the Cuſtom of ſome Places, became due to the Parſon, Vicar, or Prieſt of the Pariſh, in Lieu or Satisfaction of Tithes or Offerings forgot, or not well and truly paid by him that is dead. See now the Statute of 21 H. 8. cap. 6. which limits the Courſe and Order of

ſoit aſcun jour de payment expreſſe, donques tiel Tender del Heire eſt voide, pur ceo que quand le Feoffor moruſt, le temps del Tender eſt paſſe; autrement les Heires le Feoffor averont temps del Tender a touts jours, que ſerra inconvenient, que un avera un Fee-ſimple a luy & ſes Heirs defeaſible touts foits a le pleaſure & volunt de autres. Mes en le primer caſe le temps del Tender ne fuit expire per la mort le Feoffor.

Mortmaine.

M*Ortmaine*: Lou Terres ſont dones a Meaſon de Religion ou a un auter Companie que ſont corporate per le Grant le Roy, ceſt Terre eſt devenus en *Mortmaine*, ceſt adire en *Anglois*, a dead Hand; & donque le Roy ou le Seignior de que le Terre eſt tenus poit entrer, come appiert per le Statute *de Religioſis*. Auxy ſi un fait Feoffment ſur confidence a certain perſons al oeps de aſcun Gild ou Fraternity corporate, il ſerra dit *Mortmaine*, & il encourgera meſme le pain, ut patet per le Statute, *Anno* 15 *R.* 2.

Mortuary.

M*Ortuary* (*Mortuarium*) eſt ceo Aver ou auter Chattel moveable, que, apres le mort del owner, per le Cuſtome des aſcuns lieus, accrue al Parſon, Vicar, ou Prieſt del Paroche, en lieu ou ſatisfaction des Diſmes ou Oblations oblites ou nient duement payes per ceſtuy que eſt mort. Veies ore le Statute de 21 *H.* 8. *cap.* 8. que limit le courſe & order

del payment de ceux *Mortuaries*, ou de deniers pur eux.

Mulier.

MUlier eſt un parol uſe en noſtre Ley, mes come aptment jeo ne poy dire : Car, accordant al proper ſignification, *Mulier eſt Fœmina corrupta*, ſicome il eſt uſe per *Ulpianus* en tiel manner, *Si ego me* Virginem *emere putarem, cum eſſet* Mulier, *emptio non valebat*. Per ceo poyes veier, que *Mulier* eſt un Feme que ad ew le companie de un home. Mes a relinquiſher le droit ſignificant, *Mulier* eſt priſe en noſtre Ley pur un que eſt loyalment engender & nee ; & eſt touts foits contra-diſtinguiſhed oveſque un *Baſtard*, ſolement pur monſtre un difference perenter eux ; come pur example : Un home ad un Fitz per un Feme devant Marriage ; ceſt iſſue eſt un Baſtard, & illoyal : Et apres il marrie ove le Mere del Baſtard, & ont un auter Fitz ; ceſt ſecond Fitz eſt appelle *Mulier*, ceſt adire, loyal, & ſerra Heire a ſon pere ; mes le auter ne poit eſtre Heire al aſcun home, pur ceo que il neſt conus ne certaine en le judgment del Ley que fuit ſon Pere, & pur ceſt cauſe eſt dit deſtre *nullius filius*, ou *filius populi*, & iſſint ſans Pere, accordant al ceſtuy veil verſes.

Cui Pater eſt Populus, Pater eſt ſibi nullus & omnis :

Cui Pater eſt Populus, non habet ipſe Patrem.

Et touts foits vous troves ceſt addition al eux [Baſtard eigne, & *Mulier* puiſne] quand ils ſont compare enſemble.

the Payment of theſe Mortuaries, or of Money for them.

Mulier.

MUlier is a Word uſed in our Law ; but how aptly I cannot ſay : For, according to the proper Signification, Mulier is a defiled Woman, as it is uſed in Ulpianus thus ; Si ego me Virginem emere putarem, cum eſſet Mulier, emptio non valebat. Whereby you may ſee, Mulier is a Woman that hath had the Company of a Man. But to leave the right Signification, Mulier is taken in our Law for one that is lawfully begotten and born ; and is always contra-diſtinguiſhed with Baſtard, only to ſhew a Difference between them ; as thus : A Man hath a Son of a Woman before Marriage ; that Iſſue is a Baſtard, and unlawful : And after he marries the Mother of the Baſtard, and they have another Son ; this ſecond Son is called Mulier, that is to ſay, Lawful, and ſhall be Heir to his Father ; but the other cannot be Heir to any Man, becauſe it is not known nor certain in the Judgment of the Law who was his Father, and for that Cauſe is ſaid to be, No Man's Son, or the Son of the People, and ſo without Father, according to theſe old Verſes ;

To whom the People Father is, to him is Father none and all :

To whom the People Father is, well fatherleſs we may him call.

And always you ſhall find this Addition to them [Baſtard eldeſt, and Mulier youngeſt] when they are compared together.

Muniments.

MUniments are Evidences or Writings concerning a Man's Poſſeſſion or Inheritance, whereby he is able to defend the Eſtate which he hath. And they are ſo called from the Latin Word Munio, which ſignifies to defend or fortifie. And 35 H. 6. fol. 37. b. Wangford ſays, That this Word Muniment includes all Manner of Evidences, viz. Charters, Releaſes, and others.

Murage.

MUrage is a Toll or Tribute, levied for the repairing or Building of publick Walls. See Fitz. Nat. Brev. fol. 227. D. and the Statute of 3 E. 1. cap. 30.

Murder.

MUrder is a wilful Killing a Man upon Malice forethought, and ſeems to come of the Saxon Word Mordren, which ſo ſignifies. And Mordridus is the Murderer even until this Day among them in Saxony, from whence we have many of our Words, as hath been often ſaid. Or it may be derived of Mort and dire, as Mors dira. See Staundf. Pleas of the Crown, lib. 1.

Muſter.

MUſter comes of the French Word Monſtrer, that is, to ſhew; for to Muſter is Nothing but to ſhew Men and their Arms and to inrol them in a Book, as appears by the Statute of 18 H. 6. cap. 19.

Muniments.

M*Uniments* (*Munimenta*) ſont Evidences ou Eſcripts touchants le Poſſeſſion ou Inheritance de aſcun home, per queux il eſt able pur *defender* le Eſtate que il ad. Et ils ſont iſſint appels del *Latin* parol *Munio*, que ſignifie pur defender ou fortifier. Et 35 *H. 6. f.* 37. *b. Wangford* dit, que ceſt parol *Muniment* include touts manners des Evidences, *viz.* Charters, Releaſes, & auters.

Murage.

M*Urage* (*Muragium*) eſt un Tolle ou Tribute levie pur le Repairer on Edifier des publique *Mures*. Veies *Fitzh. N. B. fol.* 227. *D.* & le Statute 3 *E.* 1. *cap.* 30.

Murder.

M*Urder* eſt un voluntarie Occider de un home ſur malice prepenſe, & ſemble de vener de le *Saxon* parol *Mordren*, que iſſint ſignifie. Et *Mordridus* eſt le Murderer tanque al ceſt jour enter eux in *Saxony*, de que nous avomus mults de noſtre parolx, come ad eſtre ſovent dit. Ou poit eſtre derive de *Mort* & *dire*, quaſi *Mors dira*. Veies *Staundf. Pleas del Coron. lib.* 1.

Muſter.

M*Uſter* venuſt del parol *Francois Monſtrer*, id eſt, *Monſtrare*; car de *muſter* neſt riens forſque de monſtre homes & lour Armes, & de eux inroller en un Livre, come appiert per le Stat. de 18 *H.* 6. *cap.* 19.

N.

Naam.

Naam eſt le Purſure on Apprehenſion des biens moveables de un auter home; & il eſt ou loyal, ou illoyal. *Naam* loyal eſt un reaſonable Diſtreſſe accordant al value del choſe pur que Diſtreſſe eſt fait. Veies pluis de ceo en *Horne's Mirrour de Juſtices, lib.* 2.

Nativo habendo.

Nativo habendo eſt un Brief que giſt lou le Villeine ou Nief de un Seignior eſt ale de luy; donques le Seignior avera ceſt Brief direct al Vicount que il face le Seignior aver ſon Villein ou Niefe, oveſque touts ſes chateux.

En ceſt Brief pluſors Villeins ou Niefes ne purront eſtre demandes que deux; mes cy tant des Villeins ou Niefes que voilent jointment poient porter Brief *de Libertate probanda*.

Et ſi un Nief port Brief *de Libertate probando*, avant que le Seignior port ceſt Brief, donques le Villein Plaintif ou Nief ſerra en peace jeſque al venue des Juſtices, ou autrement ſon Brief ne luy aidera.

Auxy ſi un Villein ad demur en Antient demeſne per un an & jour ſans claime del Seignior, donques il ne poit luy ſeiſer deins le dit Franchiſe.

N.

Naam.

NAam is the Attaching or Taking of the moveable Goods of another Man; and is either lawful, or unlawful. Naam is a reaſonable Diſtreſs according to the Value of the Thing for which the Diſtreſs is made. See more of this in Horn's Mirror of Juſtices, lib. 2.

Nativo habendo.

NAtivo habendo is a Writ that lies where the Villain or Nief of the Lord is gone from him; then the Lord ſhall have this Writ directed to the Sheriff to cauſe the Lord to have his Villain or Nief, with all his Goods.

In this Writ more Villains or Niefs may not be demanded than two; but as many Villains or Niefs as will may jointly bring a Writ de Libertate probanda.

And if a Villain or Nief bring his Writ de Libertate probanda before the Lord bring this Writ, then the Villain Plaintiff ſhall be in Peace 'till the Coming of the Juſtices, or elſe his Writ ſhall not help him.

Alſo if a Villain have tarried in ancient Demeſne one Year and a Day without Claim of the Lord, then he cannot ſeiſe him in the ſaid Franchiſe.

Natura-

Naturalization.

NAturalization. See Denizen.

Ne admittas.

NE admittas is a Writ directed to the Biſhop at the Suit of one who is Patron of any Church, and he doubts that the Biſhop will collate one his Clerk, or admit another Clerk preſented by another Man to the ſame Benefice: Then he that doubts it ſhall have this Writ, to forbid the Biſhop to collate or admit any to that Church.

Negative Pregnant.

NEgative Pregnant is, when an Action, Information, or ſuch like, is brought againſt one, and the Defendant pleads in Bar of the Action or otherwiſe, a Negative Plea, which is not ſo ſpecial an Anſwer to the Action, but that it includes alſo an Affirmative. As for Example; If a Writ of Entrie en caſu proviſo be brought by him in the Reverſion of an Alienation by the Tenant for Life, ſuppoſing that he hath alienedin Fee, (which is a Forfeiture of his Eſtate) and the Tenant to the Writ ſaith, He hath not alienated in Fee; this is a Negative, wherein is included an Affirmative; for though it be true that he hath not alienedin Fee, yet it may be he hath made an Eſtate in Tail, (which is alſo a Forfeiture) and then the Entry of him in the Reverſion is lawful, &c.

Alſo in a Quare impedit, the King makes Title to preſent to a Prebend, for that the Temporalities of the Biſhoprick were in

Naturalization.

N*Aturalization.* Veies *Denizen.*

Ne admittas.

NE *admittas* eſt un Brief direct al Eveſque al Suit de un que eſt Patron de aſcun Eſgliſe, & il doubta que l'Eveſque voit collate un ſon Clerk, ou admit un auter Clerk preſent per auter home al dit Benefice: donques il que c' douta avera ceſt Brief de inhibiter le Eveſque de colater ou admitter aſcun a ſon Eſgliſe.

Negativa pregnans.

N*Egativa pregnans* eſt, quant un Action, Information, ou tiel ſemblable Suite, eſt port envers un, & le Defendant plead en Barre del Action ou auterment un Negative Plee, que neſt cy ſpecial reſpons al Action, mes que il enclude auxy un affirmative. Come pur example; Si un Brief de *Entre en caſu proviſo* ſoit port per ceſtuy en le Reverſion ſur Alienation per le Tenant pur vie, ſuppoſant que il ad alien en Fee, (que eſt un Forfeiture de ſon Eſtate) & le Tenant al Brief dit que il nad alien en Fee; ceſt un *Negative*, en que eſt include un Affirmative: car nient obſtant il ſoit veray que il nad alien en Fee, uncore il poit eſtre q'il ad fait un Eſtate en taile, (le quel eſt auxy un Forfeiture) & donques l' Entry de celuy en l'Reverſion eſt loyal, *&c.*

Item en un *Quare impedit*, l'Roy fiſt Title de preſenter a un prebend, ratione que les Temporalties de l'Eveſquerie

fueront en ſa mains per le mort de *W.* nuper Epiſcopi, *&c.* Le Defendant dit que ne voida pas, eſteants les Temporalities en les maines del Roy per le mort de *W.* Ceſt un *Negative pregnant*; car il poit eſtre en les maines del Roy auterment que per le mort de *W.* & il ſuffiſt al Roy ſi ſoit en ſa maines, per aſcun Means, *&c.*

Iſſint eſt lou un Information fuit port in Scaccario vers *J. S.* pur ceo que il achate lanes perenter Shering-temps & Aſſumption tali anno de *J. N.* Le Defendant dit quod non emit de *J. N.* come il eſt alledge, *&c.* Ceo eſt appelle un *Negative pregnant*; car ſil ceo achate de auter, uncore il eſt culpable pur achater.

his Hands by the Death of W late Biſhop, &c. The Defendant ſaith that it was not void the Temporalities being in the King's Hand by the Death of W. This is a Negative Pregnant; for it may be in the King's Hands otherwiſe than by the Death of W. and it ſuffices the King if it be in his Hands by any Means &c.

So is it where an Information was brought in the Exchequer againſt J. S. for that he bought Wool of J. N. between Shearing-Time and the Aſſumption ſuch a Year. The Defendant ſaith he did not buy any of J. N. as it is alledged, &c. This is called a Negative Pregnant; for if he bought it of another, yet he is culpable for the Buying.

Neif, ou *Nief*.

NIef eſt un Feme que eſt bonde, ou un Villein Feme: Mes ſi el marrie un Frankhome, el eſt per ceo fait frank, pur ceo que el & ſa Baron ſont forſque un perſon en Ley, & el covient eſtre de meſme le nature & condition en Ley a touts entents come ſa Baron; mes ſa Baron eſt frank a touts entents ſans aſcun condition en Ley, ou auterment; & iſſint per conſequence le Feme covient eſtre, & eſt frank accordant al nature de ſon Frank Baron. Et donques ſi el ſoit un foits frank & cleerement diſcharge de Villenage a touts entents, el ne poit eſtre *Niefe* apres ſans eſpecial act fait per luy, come Divorce, ou Conuſans en Court de Record, & c' eſt en favour de Libertie. Et pur ceo un Franck feme ne

Neif, or Nief.

NIef is a Woman that is bound, or a Villain Woman: But if ſhe marry a Freeman, ſhe is thereby made free, becauſe ſhe and her Husband are but one perſon in Law, and ſhe ought to be of the ſame Nature and Condition in Law to all Intents as her Husband is; but her Husband is free to all Intents without any Condition in Law, or otherwiſe; and ſo by Conſequence the Wife ought to be, and is free according to the Nature of her free Husband. And then if ſhe were once free and clearly diſcharged of Bondage to all Intents, ſhe cannot be Nief after without ſpecial Act done by her, as Divorce, or Confeſſion in Court of Record, and that is in Favour of Liberty. And therefore a Free Woman ſhall not be bound by

ing of a Villain to her Husband; but their Issue shall be Villains as their Father was: Which is contrary to the Civil Law, for there it is said, The Birth follows the Belly.

Bondage or Villainage had Beginning amongst the Hebrews, and its original of Chanaan the Son of Cham, who, because he had mocked his Father Noe to scorn, lying dissolutely when he was drunk, was punished in his Son Chanaan with Penalty of Bondage.

Ne injuste vexes.

NE injuste vexes. Look in the Title Monstraverunt.

Next Friend.

NEXT Friend. See Prochein Amy.

Nihil.

NIhil, or Nichil, are such Issues as the Sheriff apposed saith are Nothing worth, and not leviable for the Insufficiency of the Party that should pay them. 5 R. 2. Stat. 1. chap. 3. & 27 El. ch. 3.

Nihil capiat per breve.

NIhil capiat per breve is the Judgment given against the Plaintiff, either in Bar of his Action, or in Abatement of his Writ, Co. Lit. 363.

Nihil dicit.

NIhil dicit is, when an Action is brought against a Man, and the Defendant appears, the Plaintiff declares, and the Defendant will not answer, or plead to the Action, and doth not maintain his Plea, but makes Default; now upon this

serra Villeine per prisel del Villein a son Baron; mes lour issue serra Villeines come lour Pere fuit: que est contrary a le Ley Civile, car la est dit, *Partus sequitur Ventrem.*

Bondage ou Villeinage ad son commencement enter les *Hebrews*, & son original de *Chanaan* le fits de *Cham*, que, pur ceo que il avoit derise son Pere *Noe*, gisant dissolutement quant il fuit ebrie, fuit punie en son fits *Canaan* oveſque penaltie d'Bondage.

Ne Injuste vexes.

N *Injuste vexes.* Vide Titulo *Monstraverunt.*

Next Friend.

N *EXT Friend.* Veies *Prochein Amy.*

Nihil.

N *Ihil* ou *Nichil* sont tiels Issues que le Sheriff appose dit ne riens vault & nient leviable pur le insufficiency del party que doit eux payer. 5 *R. 2. Stat. 1. chap.* 3. & 27 *El. cap.* 3.

Nihil capiat per Breve.

N *Ihil capiat per Breve* est le Judgment done vers le Plaintiff ou en bar de son Action, ou en abatement de son Brief. *Co. Lit.* 363.

Nihil dicit.

N *Ihil dicit* est, quant un Action est port envers un home, & le Defendant appear & le Plaintife declare, & le Defendant ne voile responder, ou pleade al Action, & ne maintaine son Plee, mes fait Default; ore sur cest Default

il ſerra condemne, quia *Nihil dicit.*

Niſi prius.

NISI *prius* eſt un Brief judicial, & giſt quant l'Enqueſt eſt impanell' & retorn devant les Juſtices en Banke; donques le Plaintife ou Defendant poit aver ceſt Brief direct al Viſc'; luy commandant que il face vener la Enqueſt devant les Juſtices en meſme le Countie a lour vener, & ceo pur eaſement del Enqueſt.

Nomination.

NO*mination* eſt, lou un poit, en droit de ſon Mannor ou auterment, nominate & appoint un able Clerk ou home al un Parſonage, Vicarage, ou tiel Spiritual Promotion. Et nota que ce *Nomination* poit eſtre al ayter que l'Ordinarie, quel auter luy preſentera al Ordinarie.

Non-abilitie.

NO*n-abilitie* eſt, lou un Action eſt port vers un, & le Defendant dit, que le Palintiff eſt *non able* de ſuer aſc' Action, & demand Judgment ſil ſerra reſponde. Il y ad 6 cauſes de *Non-abilitie* en le Plaintiff: come ſil ſoit Utlage, ou Alien nee, (mes ceſt Diſabilite eſt en Actions reals & mixt ſolement, & non en Actions perſonals, ſi non que il ſoit un Alien enemie) ou condemne en *Præmunire*, ou profeſſe en un Abbie, Priorie, ou Friarie, ou Excommenge, ou un Villeine, & ſue ſon Seignior. Mes ceſt darreine neſt Plee pur auter que neſt Seignior al Villeine. Vide de ceo *Littl. l.* 2. c. 7.

Default he ſhall be condemned, becauſe he ſaith nothing.

Niſi prius.

NISI prius is a Writ judicial, and lies where an Enqueſt is empanelled and returned before the Juſtices of the Bench; then the Plaintiff or Defendant may have this Writ directed to the Sheriff, commanding him to cauſe the Enqueſt to come before the Juſtices in the ſame County at their coming, and that for the Eaſe of the Enqueſt.

Nomination.

NOmination is, where one may in Right of his Manor, or otherwiſe, nominate and appoint a worthy Clerk or Man to a Parſonage, Vicarage, or ſuch like Spiritual Promotion. And note, that this Nomination may be to another than the Ordinary, which other ſhall preſent him to the Ordinary.

Non-ability.

NOn-ability is, where an Action is brought againſt one, and the Defendant ſays, that the Plaintiff is diſabled to ſue an Action, and demands Judgment if he ſhall be anſwered. There are ſix cauſes of Non-ability in the Plaintiff: As if he be an Outlaw, or an Alien born, (but that Diſability is in Actions real and mixt only, and not in Actions Perſonal, except he be an Alien Enemy) or condemned in Præmunire, or profeſſed into an Abbey, Priory, or Friery, or Excommunicate, or a Villain, and ſues his Lord, But this laſt is no Plea for another that is not Lord to the Villain. See more hereof, Littl. l. 2. c. 11.

Non-age.

Non-age.

NOn-age is all that Time of a Man's Age under 21 Years in ſome Caſes, and 14 in others, as Marriage. See Broke Tit. Age.

Non-claim.

NOn-claim is the Omiſſion or Neglect of him that ought to challenge his Right within a Time limited, by which Neglect he is either barred of his Right, as at this Day upon Non-claim within five Years after a Fine and Right to him accrued by the Statute of 5 H. 7. c. 24. or of his Entry by a deſcent for want of Claim within five Years after the Diſſeiſin made; by the Statute of 32 H. 8. cap. 33.

Non compos mentis.

NON compos mentis, i. e. that is not of ſound Memory or Underſtanding, which is fourfold. 1. An Ideot from his Birth. 2. He who by accident loſeth his Underſtanding. 3. A Lunatick who hath ſometimes Underſtanding and ſometimes not. 4. He that by his own Act deprives himſelf of his Senſes, as a Drunkard. See Co. 4. Rep. Beverley's Caſe.

Non eſt culpabilis.

NON eſt culpabilis is a general Plea, whereby the Defendant denies the Fact with which he is charged by the Plaintiff.

Non moleſtando.

NON moleſtando is a Writ which lies for him who is moleſted againſt the King's Protection granted to him. Reg. Brev. 24.

Non age.

NON-*age* eſt tout les temps de l'age del home deſouth 21 ans en aſcun caſes, & 14 en auter, come Marriage. Veies *Broke, Tit. Age.*

Non claime.

NON-*claime* eſt l'Omiſſion ou neglect de ceſtuy que doit challenger ſon Droit deins un temps limitte, per quel neglect il eſt ou barre de ſon Droit, come a ceſt jour ſur *Non-claime* deins cinque ans apres un Fine & droit a luy accrue, per le Statute de 4 *H.* 7. *c.* 24. ou de ſon Entrie per un diſcent pur default del Claim deins cinque ans apres le Diſſeiſin fait, per le Statute de 32 *H.* 8. *c.* 33.

Non compos mentis.

NON *compos mentis*, i. e. de non ſane memory ou intellect, quel eſt quadruplex. 1. Un Ideot à nativitate. 2. Qui per accident perde ſon intellect. 3. Un Lunatick qui avoit lucida intervalla. 4. Il que per ſon act demeſne deprive luy meſme de ſon ſenſes, come ebrius. Veies 4 *Co. Beverley's* Caſe.

Non eſt culpabilis.

NON *eſt culpabilis* eſt un general plea per que le Defendant deny le fait ove que il eſt charge le Plaintiff.

Non moleſtando.

NON *moleſtando* eſt un Brief que giſt pur celuy que eſt moleſt encounter le Protection le Roy grant a celuy. *Reg. Brev.* 24.

Non

Non omittas propter libertatem.

NON *omittas propter libertatem*, eſt un Brief que giſt lou le Viſcount retorne ſur Brief a luy direct, que il ad maund al Bailiff de tiel Franchiſe que aver Retorne des Briefs, & il nad ſervie le Brief; donques le Plaintiff avera ceſt Brief direct al Viſcount, que il luy meſme enter en le Franchiſe, & execute le Brief le Roy.

Auxy le Viſcount garnera le Bailiff, que il ſoit devant les Juſtices al jour contenus en le Brief; & ſil ne vient & luy acquite, donques touts les Briefs judicial que paſſeront hors del Court le Roy durant meſme le Plee ſerront Briefs *De non omittas, &c.* & le Viſcount ferra execution de eux pendant cel Plee.

Non-ſuit.

NON-*ſuit* eſt le Renouncer del Suit per le Plaintiff ou Demandant, quant le matter eſt en probability pur proceed, apres le Tenant ou Defendant ad appear, *&c.* Et vide le Statute 2 *H.* 4. *c.* 7. en queux caſes home ne poit eſtre *Non-ſuit*; & 23 *H.* 8. *c.* 15. & 8 *Eliz. c.* 2. & 4 *Jac. c.* 3. lou ceſtui qui eſt *Non ſuit* payera Coſts al Defendant.

Non ſum informatus.

NON *ſum informatus* eſt un formal Reſponſe fait per un Attorney, que eſt command per le Court dire aſcun choſe en Defence de ſon Client, per quel il eſt adjudge laſcher

Non omittas propter libertatem.

NON omittas propter libertatem is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath ſent to the Bailiff of ſuch a Franchiſe which hath Return of Writs, and he hath not ſerved the Writ; then the Plaintiff ſhall have this Writ directed to the Sheriff, that he himſelf enter into the Franchiſe, and execute the King's Writ.

Alſo the Sheriff ſhall warn the Bailiff, that he be before the Juſtices at the Day contained in the Writ; and if he come not and excuſe himſelf, then all the Writs judicial which ſhall paſs out of the King's Court during the ſame Plea, ſhall be Writs De non omittas, &c. and the Sheriff ſhall make Execution of them depending that Plea.

Non-ſuit.

NOn-ſuit is the Renouncing of a Suit by the Plaintiff or Demandant, when the matter is in probability to proceed after the Tenant or Defendant hath appeared, &c. And ſee the Statute of 2 H. 4. c. 7. in what caſes a Man cannot be Non-ſuit; and 23 H. 8. cap. 15. and 8 Eliz. c. 2. and 4 Jac. c. 3. where he that is Non-ſuit ſhall pay Coſts to the Defendant.

Non ſum informatus.

NON ſum informatus is a formal Anſwer made by an Attorney, who is commanded by the Court to ſay ſomthing in Defence of his Client, by which he is deemed to leave his Client undefended,

undefended, and ſo Judgment paſſes for the other Party.

Non Term.

NON Term is the Time of Vacation between two Terms.

Novel Aſſignment.

NOvel Aſſignment is, where a Man brings Treſpaſs for breaking his Cloſe: And the Defendant juſtifies in a Place where no Treſpaſs was done, then the Plaintiff aſſigns the Cloſe where it was; to which the Defendant may plead Not guilty, or juſtifie by Title. And there are other Replications in Battery, and other Treſpaſſes; as if the Defendant in Battery juſtifies by a Writ: The Plaintiff replies, that after the Return of it, the Plaintiff in that Suit diſcharged the Plaintiff out of Priſon, and that the Defendant after that impriſoned him, now the Defendant muſt anſwer to that Replication.

Bare or Naked Contract.

BARE Contract, or Naked Promiſe is, where a Man bargains or ſells Lands or Goods, or promiſes to give one Money, or a Horſe, or to build a Houſe, or to do ſuch a Thing at ſuch a Day and there is no Recompence appointed to him for the doing thereof; as if one ſay to another, I ſell or give to you all my Lands or Goods, and there is nothing appointed, aſſigned, or agreed upon what the other ſhall give or pay for it, ſo that there is not one Thing for another: This is a Naked Contract, and void in Law, and for Non-performance thereof no Action

ſon Client ſans Defence, & iſſint judgment paſſe pur l' auter partie.

Non Term.

NON *Term* eſt le temps de vacation deins deux Terms.

Novel Aſſignment

NOvel *Aſſignment* eſt, ou home port treſpaſſe de ſon cloſe debruſe: Et le Defendant juſtifie en un lieu ou nul treſpaſſe fuit fait, donque Plaintif aſſigne le cloſe ou c' fuit, a que le Defendant poit pleade de rien culpable, ou juſtifie per title. Et auxi ſont aut's Replications en Battery, & aut's Treſpaſſes; come ſi Def. en en Battery juſtifie per un Brief, le Plaintif reply que puis le Retorne de ceo le Plaintif en ceo ſuit diſcharge le Plaintif hors de Priſon, & puis le Defendant luy priſt & impriſon, ore le Defendant doit reſpond a ceo Replication.

Nude Contract.

NUDE *Contract*, ou Nude Promiſe eſt, lou un home bargaine ou vende ſes Terres ou Biens, ou premiſe pur done al auter monie, ou un chival, ou edifier un meaſon, ou faire tiel choſe a tiel jour, & la eſt nul recompence appoint a luy per le faire de ceo; come ſi un dit al auter, Jeo vende ou done a vous touts mes Terres ou Biens, & la eſt nul choſe appoint, aſſigne, ou agree, que l'auter donera ou payera pur ceo, iſſint que il nad quid pro quo: ceſt un *Nude Contract*, & void en Ley, & en non-performance de ceo nul

Action

Action giſt, car, *Ex nudo Pacto non oritur Actio.*

on lies; for, Ex nudo Pacto non oritur Actio.

Nuper obiit.

NUper obiit eſt un Brief, & giſt lou un ad pluſors Heirs, ceſtaſcavoir, pluſors Files, ou pluſors Fits, ſil ſoit en *Gavelkind* en *Kent*, & devie ſeiſie, & un Heire entra en tout la Terre; donques les auters que ſont tenus dehors averont ceſt Brief vers le Coheir que eſt eins. Mes Brief de *Rationabili parte* giſt en tiel caſe ou le Anceſtor fuit un foits ſeiſie, & ne moruſt ſeiſie de Poſſeſſion, mes del Reverſion.

Nuper obiit.

NUper obiit is a Writ, and it lies where one hath many Heirs, that is, many Daughters, or many Sons, if it be in Gavelkind in Kent, and dies ſeiſed, and one Heir enters into all the Land, then the others whom he holds out ſhall have this Writ againſt the Coheir that is in. But a Writ of Rationabili parte lies in ſuch Caſe where the Anceſtor was once ſeiſed, and died not ſeiſed of the Poſſeſſion, but in Reverſion.

Nuſans.

NUſans eſt, lou aſcun home levie aſcun Mure, ou eſtoppe aſcun Ewe, ou fait aſcun choſe ſur ſon Terres demeſne al annoyance ſon prochein; ceſtuy que eſt grieve avera un Brief appel *Aſſize de Nuſans*: Auxy ſi il que fiſt le Nuſans alien le Terre a un auter, donques ceſt Brief ſerra port envers ambideux, come appiert per le Statute de *Weſtm.* 2. *c.* 24.

Poit eſtre auxi per eſtopper de Luminers en un Meſe, ou pur cauſer de ewe de flow ſur meſe auters, pur remedy de quel un Action ſur le Caſe ou Aſſiſe giſt.

Nuſance.

NUſance is, where any Man raiſes any Wall, or ſtops any Water, or doth any Thing upon his own Ground to the unlawful Hurt or Annoyance of his Neighbour; he that is grieved may have thereof an Aſſiſe of Nuſance: And if he that makes the Nuſance aliens the Land to another, then this Writ ſhall be brought againſt them both, as it appears by the Statute of Weſtm. 2. c. 24.

It may be alſo by ſtopping Lights in an Houſe, or cauſing Water to run over Houſe or Lands, for Remedy whereof, an Action upon the Caſe or Aſſiſe lyeth.

O.

Obit.

OBit is a Funeral Solemnity or Office for the dead, most commonly performed at the Funeral when the Corps lies in the Church uninterred.

Oblations.

OBlations are what Things soever are offered to God and his Church by pious and faithful Christians.

Occupant.

OCcupant is, when a Man makes a Lease to another, for the Term of the Life of a third Person: The Lessee dies, he who first enters shall hold the Land as Occupant, during the Life of the third Person: To prevent which, such Leases are now made to the Lessee, his Heirs and Assigns. 2 Cro. 554. Co. 6 Rep. 37.

Odio & Atia.

ODio & Atia is an old Writ mentioned in the Statute of Westm. 1. made in 3 E. 1. cap. 11. and it was directed to the Sheriff, to inquire whether a Man committed to Prison upon Suspicion of Murther were committed upon just Cause of Suspicion, or for Malice only. And if upon an Inquisition it were found that he were not guilty, then there came another Writ to the Sheriff to bail him.

O.

Obit.

OBit est un funeral Solemnity ou Office pur le mort, communement fait quand le Corps gist en le Esglise nient enterre.

Oblationes.

OBlationes sunt quæcunque a piis fidelibusque Christianis offeruntur Deo & Ecclesiæ.

Occupant.

OCcupant est, quand un home fist un Lease al auter pur Term del Vie de tierce person: Le Lessee moruſt, il que primes enter, tenera la terre come occupant durante le vie del tierce person, Quel a preventer, tiels Leases sont ore faits al Lessee, ses heirs & assigns. 2 *Cro.* 554. *Co.* 6 *Rep.* 37.

Odio & Atia.

ODio & Atia est un vieux Brief mention en le Statute de *Westm.* 1. fait en 3 *E.* 1. *cap.* 11. & fuit direct al Viscount, pur inquire si home commise al prison sur Suspicion del Murder fuit commise sur unjust Suspicion, ou pur malice solemene. Et si sur enquiry fuit trove que ne fuit culpable, adonques un auter Brief venust al Viscount pur luy bailer. Mes ceste

course

courſe eſt ore tolle per le Statute de 28 *E.* 3. *cap* 9. come appiert en *Staundford's Pl. Cor. fol.* 77. *G.* Et veies *Coke, lib.* 9. *fol.* 56. *a, b.*

But now that Courſe is taken away by the Statute of 28 E. 3. cap. 9. as it appears in Staundf. Pl. of the Cr. fol. 77. G. And ſee Coke, lib. 9. fol. 56. a, b.

Office.

OFfice nient ſolement ſignifie le function per force de quel home avoit employ en le affairs de un autre, mes auxi un Inquiſition fait al uſe del Roy de aſcun choſe per vertue de ſon Office que enquire.

Office.

OFfice doth not only ſignifie that Function, by Vertue whereof a Man hath ſome Employment in the Affairs of another, but alſo an Inquiſition made to the King's Uſe of any Thing by Vertue of his Office who enquireth.

Oleron Leys.

O*Leron Leys* iſſint appel pur ceo que ils fueront fait per *Rich.* 1. quand il fuit la, & relate al choſes concernant le Mer. *Co. Lit.* 260.

Oleron Laws.

OLeron Laws, ſo called becauſe they were made by King Rich. 1. when he was there, and relate to maritime Affairs, Co. Lit. 260.

O. Ni.

O. *Ni.* eſt que cy toſt que le Vicount enter ſur ſon account pur Iſſues, Amerciaments & mean perquiſites a marquer ſur ſon Teſte, O. *Ni.* que eſt, Oneratur niſi habeat ſufficientem exonerationem, & deſuis il devient debtor al Roy, & un debet mis ſur ſon Teſte.

O. Ni.

O. Ni. is, that ſo ſoon as the Sheriff enters upon his Accounts for Iſſues, Amerciaments and mean Profits to mark upon his Head, O. Ni. which is, Let him be charged unleſs he hath a ſufficient Diſcharge, and forthwith he becomes the King's Debtor, and a Debt ſet upon his Head.

Ordeal.

O*Rdeal* eſt tant adire come *Expers criminis*; & fuit antient manner de Trial en Criminal Cauſes: Car quand le Defendant eſteant arraine, plede *Rien culpable*, il puit eſlier le quel il voet mitter luy meſme ſur Dieu & le Pais, que eſt ſur le Verdict de Douze homes, come il ſont jeſque a ceſt jour, ou ſur Dieu ſolement; & pur ceo fuit appel *Judicium Dei*, preſumant que Dieu voille deliver le innocent;

Ordeal.

ORdeal is as much as to ſay Not guilty, and was an ancient Manner of Trial in Criminal Cauſes: For when the Defendant, being arraigned, pleaded Not guilty, he might chuſe whether he would put himſelf upon God and the Country, which is upon the Verdict of twelve Men, as they are at this Day, or upon God only, and therefore it was called The Judgment of God, preſuming that God would deliver the Innocent;

ent; and that was, if he were
e free Eſtate, by Fire, that
s to ſay, to go bare-footed
ver nine Plowſhares Fire-hot;
nd if he eſcape unhurt, he
hould be acquitted, and if not,
hen he ſhould be condemned.
nd if the Party were of Ser-
ile Condition, then he ſhould
e tried by Water, which was in
ivers Manners: For which ſee
mbard, in the Word Ordalium.
But now the Trial is prohibited
y Parliament. See Coke, lib.
. fol. 32. b.

Ordelfe.

ORdelfe is, where one claims to have the Ore that is found in his Soil or Ground.

Ordinary.

ORdinary is a Term of the Civil Law, and there ſignifies any Judge that hath Authority to take Conuſance of cauſes in his own Right, and not by Deputation. But in the Common Law it is properly taken for the Biſhop of the Dioceſs, who is the true Ordinary to certify Excommunications, Joyful Marriages, and ſuch Eccleſiaſtical and Spiritual Acts within his Dioceſs, to the Judges of the Common Law; for he is the Party to whom the Court ought to write upon ſuch Occaſions. And yet the Word Ordinary is uſually taken in the Common Law and Statutes for every Commiſſary or Official of the Biſhop or other Judge Eccleſiaſtical that hath Judicial Authority within his Juriſdiction, as appears in Cok. 4. Henſloe's C. fol. 36. b. and the Statute of Weſtm. 2. cap. 19. & 31 E. 3. cap. 11. and many others.

cent; ceſtaſcavoire, ſil fuit de Franke eſtate, donques per Feu, ceſtaſcavoir, a paſſer ouſter *novem Vomeres ignitos nudis pedibus*; & ſil eſcape *illæſus*, il ſerra acquite; & ſil nemy, il ſerra condemne. Et ſi le partie fuit de un Servile condition, donque il ſerra trie per Ewe, que fuit en divers manners: Pur queux veies *Lambard*, verbo *Ordalium*. Mes jammes ceſt Trial eſt ouſte per Parlement. Veies *Coke, lib.* 9. *fol.* 32. *b.*

Ordelfe.

O*Rdelfe* eſt, lou un claime de aver le Ore que eſt trove en ſon Soile ou Terre.

Ordinary.

O*Rdinary* (*Ordinarius*) eſt un terme del Civil Ley, & en ceo ſignifie aſcun Judge que ad authority pur prender Conuſance de cauſes en ſon droit demeſme, & nemy per Deput'. Mes en le Common Ley eſt properment priſe pur l'Eveſque de cheſcun Dioces, que eſt le voier Ordinary pur certifier Excommengement, loyal Matrimony, & tiels Eccleſiaſtical & Spiritual acts deins ſon Dioces, as Judges del Common Ley; car il eſt le party a que le Court doit eſcrier ſur tiel occaſions. Et uncore ceſt parol *Ordinary* eſt uſualment priſe en le Common Ley & les Statutes pur cheſcun Commiſſarie ou Official del Eveſque ou auter Judge Eccleſiaſtical que ad Judicial Authority deins ſon Juriſdiction, come appiert en *Coke, lib.* 9. *Henſloe's C. fol.* 36. *b.* & le Statute *Weſtm.* 2. *c.* 19. & 31 *E.* 3. *c.* 11. & pluſors autes.

Orfgild.

Orfgild est Pecudis Solutio vel redditio, de *Saxon Orf, Pecus,* & *Gild, Solutio, Redditio.*

Ouster le maine.

Ouster le maine (*Amoveas manum*) est un Brief direct al Escheator, pur deliver Seisin ou Possession hors des *maines* le Roy al partie, que sue le Brief, pur ceo que les Terres seisies ne sont tenus del Roy, ou pur ceo que il ne doit aver le Gard de eux, ou pur ceo que le Title le Roy est determine, *&c.* Est auxy le Judgment done en un *Monstrance de Droit*, ou sur un Travers ou Petition: Car quand appiert sur le matter discusse que le Roy nad Droit ou Title al chose que il seise, adonque Judgment serra done que les maines le Roy sont oustes; & sur ceo un *Amoveas manum* serra agard al Escheator; que est tant sicome Judgment fuit done que le partie averoit son Terre arere. Veies pur ceo *Staundford's Prerog. cap.* 24.

Ouster le mer.

Ouster le mer est un cause de excuse ou essoin si un home ne appiert en Court sur Summons.

Outfangtheef.

Utfangthef est, quod Latrones de Terra vestra vel Feodo vestro, extra Terram vestram vel Feodum vestrum capti, ad Curiam vestram revertantur, & ibidem judicentur.

Orfgild.

Orfgild signifies a Payment restoring the Cattel, from the Saxon Orf, Pecus, and Gild Solutio, Redditio.

Ouster le maine.

Ouster le maine is a Writ directed to the Escheator, to deliver Seisin or Possession of the King's Hands unto the Party that sues the Writ, that the Lands seised are not holden of the King, or for the he ought not to have the Wardship of them, or for that the King's Title is determined, &c. It is also the Judgment given in a Monstrans de Droit, or upon a Traverse or Petition: for when it appears upon the Matter discussed, that the King has no Right or Title to the Thing that he seised, then Judgment shall be given that the King's Hand be amoved; and therupon an Amoveas manum shall be awarded to the Escheator; which is as much as if Judgment were given that the Party should have his Lands again. And see for this Staundf. Prerog. cap. 24.

Ouster le mer.

Ouster le mer is a Cause of Excuse or Essoin, if a Man appear not in Court upon Summons.

Outfangtheef.

Utfangtheef is, that Thief or Felons belonging to your Land or Fee, but taken out of it, shall be brought back to your Court, and there judged.

Outlary.

OUtlary. See Utlary.

Owelty.

OWelty is, when there is Lord, Weine, and Tenant, and the Tenant holds of the Weine by the ſame Services that the Weine holds over of the Lord above him: As if the Tenant holds of the Weine by Homage, Fealty, and xx s. Rent, and the Weine holds over of the Lord above by Homage, Fealty, and xx s. Rent alſo; this is called Owelty of Services.

Hearing of Records and Deeds, &c.

HEaring of Records and Deeds is, where an Action of Debt is brought againſt a Man upon an Obligation, and the Defendant appears, and then prays that he may hear the Obligation wherewith the Plaintiff charges him.

So it is when Executors bring an Action of Debt, and the Defendant demands to hear the Teſtament; upon this Demand it ſhall be read unto him. But if it be another Term, or after the Defendant hath imparled, then he ſhall not hear it. And ſo as is ſaid of Deeds, is to be underſtood of Records that are alledged againſt him. But in the King's Bench the Defendant may at any Time before Plea, and after the Plaintiff has declar'd, have Oyer of Deed and Record. See the Title Monſtrans de Faits.

Outlary.

OUtlary. Veies *Utlary.*

Owelty.

OWelty eſt, quand il y ad Seign', Meſne & Tenant, & le Tenant tient del Meſne per meſme les Services que le Meſne tient ouſter de le Seign' paramount: Come ſi le Tenant tient del Meſne per Homage, Fealty, & xx s. de Rent annuelment, & le Meſne tient ouſter de le Seignior paramount per Homage, Fealty, & xx s. Rent auxy; ceſt appelle *Owelty* de Services.

Oyer de Records & Faits, &c.

OYer de Records & Faits eſt, ou un Action de Det eſt port envers un home ſur un Obligation, & le Defendant appeare, & donques prie que il poit *Oyer* le Obligation oveſque que le Plaintife charge luy.

Iſſint eſt quand executors port un Action de Det, & le Defendant demand *Oyer* del Teſtament; ſur ceſt demand il ſerra lie al luy. Mes ſi ſoit en un auter Terme, ou apres que le Defendant ad imparle, donques il navera le *Oyer*. Et iſſint come eſt dit de Faits, eſt deſtre entende de Records que ſont alledge envers luy. Mes en B. R. le Defendant poit al aſcun temps devant Plea, & apres le Plaintife ad declare, aver *Oyer* del Fait ou Record. Veies le Title *Monſtrans de Faits.*

Oyer & Terminer.

Oyer & Terminer eſt un Brief appel en *Latin de Audiendo & Terminando*, & giſt quand aſcun grand ou ſodaine Inſurrection eſt fait, ou aſcun auter ſodain Tranſgreſſion, que require haſty reformation; donque le Roy directera un Commiſſion a certain Juſtices *de Audiendo & Terminando*.

Nota, que les Juſtices de Aſſiſe ont un Commiſſion de *Oyer & Terminer* direct al eux, & divers aurers inhabitants deins les Counties as queux lour Circuit extende, dont cheſcun de les Juſtices de Aſſiſe ſont del *Quorum*, pur le mieulx oyer & determiner de divers offences queux poient avener en lour Circuit, quel ſans cel Commiſſion eux ne poient faire. Veies *Fitzh. N. B. fol.* 110. *b.*

Oyes.

Oyes eſt un corruption del *French* parol *Oyer, i. e. Hear ye*, quel eſt uſe par les Crieurs en Courts pur faire Proclamations.

Oyer and Terminer.

OYer and Terminer is a Writ called in Latin, de Audiendo & Terminando, and it lies where any great or ſudden Inſurrection is made, or any other ſudden Treſpaſs, which requires haſty Reformation, then the King ſhall direct a Commiſſion to certain Juſtices to hear and to determine the ſame.

Note, That the Juſtices of Aſſiſe have alſo one Commiſſion of Oyer and Terminer directed to them, and divers other Inhabitants within the Shires whereunto the Circuit extends, whereof each of the Juſtices of Aſſiſe are of the Quorum, for the hearing and determining of divers Offences which may happen in their Circuit, which without this Commiſſion they could not do. See Fitzh. N. B. fol. 110.

Oyes.

OYes is a Corruption of the French Word Oyez, i. e. Hear ye, which is uſed by Cryers in Courts to make Proclamation.

P.

Paine fort & dure.

Paine fort & dure eſt un particular Puniſhment pur tiels que eſteant arraigne pur Felony, refuſont de mitter eux meſme ſur le uſual Trial de Dieu & le Pais, & per ceo ſont Mute, ou come

P.

Paine fort & dure.

PAine fort & dure is an eſpecial Puniſhment for ſuch as being arraigned for Felony, refuſe to put themſelves upon the common Trial of God and the County, and thereby are Mute, or as Mute in Law. See this

at

at large in Staundford Pl. Cor. fol. 150.

Palace-Court.

PAlace-Court is a Court of Record erected by King James by his Letters Patents, and held at Southwark, and is a Court of Common Law. See Marshalsea.

Pannage.

PAnnage. See Paunage.

Panel.

PAnel comes of the French Word Panne, that is, a Skin, and signifies in our Common Law a Schedule or Roll containing the Names of the Jurors which the Sheriff hath returned to pass upon any Trial. And therefore the Empanelling of the Jury is Nothing but the Entring of their Names into the Sheriff's Roll.

Pape, or Pope.

PApe (Papa) is a Name that signifies Father, and anciently was applied to other Clergymen in the Greek Church; but by Usage is particularly appropriated in the Latin Church to the Bishop of Rome. A Name very frequent in our ancient Year-Books, especially in the Times of those Kings, who too much abandoning their Imperial Authority, and abasing themselves beneath their Estate, suffered an Alien, an Outlandish Bishop that dwelt 1000 Miles off, to take from them the Disposition of many Spiritual Preferments, sometimes by Lapse, sometimes by Provision, or o-

Mute en Ley. Veies ceo a large en *Staundford, Pl. Cor. fol.* 150.

Palace-Court.

P*Alace-Court* est un Court de Record erect per le Roy *James*, per ses Letters Patents teigne a *Southwark*, & est un Court de Common Ley. Veies *Marshalsea.*

Pannage.

P*Annage*. Veies *Paunage.*

Panel.

P*Anel* venust del parol *Francois Panne*, id est, *Pellis*, & signifie en nostre Common Ley un Schedule ou Rolle que conteine les nosmes des Jurors queux le Viscount ad retorn de passer sur ascun Trial. Et pur ceo le *Impanneller* del Jury nest riens forsque le Entry de lour nosmes en le Rolle le Viscount.

Pape.

P*Ape* (*Papa*) est un nosme que signifie *Pater*, & ancientment fuit apply al auter Clergy-men en le *Greek* Eglise; mes per usage est particulerment approprie en *Latine* Eglise al Evesque de *Rome*: Un nosme mult frequent en nostre Annuels Livres, specialment en le temps de ceux Roys, queux grandment abandonants leur Imperial Authoritie, & abasans eux mesmes debase lour Estate, suffer un Alien, un outlandish Evesque, que inhabit 1000 miles d'eux, de toller de eux le dispositon de pluseur Spiritual Preferments, ascun temps per Lapse, & ascun temps per Provision, ou

auterment. Pur redreſs de quel divers Statutes ont eſte fait pendant que le Royalme fuit de la *Roman* Communion; mes tout ſon Povoir ne fuit colle jeſque vers la fin del Reigne de Roy *Henry* le huict.

Paramount.

P*Aramount* eſt un parol compound des deux parols *Francois*, (*par*, i. e. *per*, & *monter*, i. e. *aſcendere*,) & ſignifie en noſtre Ley le plus Hault Seignior del Fee. Pur le melieur entelligence de ceo, veies *F. N. B. f.* 135. *M.* en ſon Brief de *Meſne*.

Paraphernalia.

P*Araphernalia*, Græce Παραφερνα a παρα præter, & φερνη dos. Quare *Paraphernalia* ſunt bona quæ ſponſa ſecum fert præter conſtituram dotem. 1 *Cro.* D. *Haſtings* vers *Douglas*.

Paravaile.

P*Aravaile* eſt un parol que auxy eſt compound de deux parols *Francois*, (*par*, i. e. *per*, & *availer*, i. e. *dimittere*;) & ſignifie en noſtre Ley le plus Baſe Tenant del Fee, que eſt Tenant al un que tenuſt ouſter del auters. Veies per le uſe de ceſt parol *F. N. B.* en ſon Brief de *Meſne*, *f.* 135. *M.*

Parceners.

P*Arceners* ſont ſolonque le courſe de common Ley, & ſolonque le Cuſtome. *Parceners* ſolonque le *Common Ley* ſont, lou un ſeiſie de un Eſtate de enheritance des Tenements ad iſſue forſque Files, & devie, & les Tenements diſcendont a les Files; donque els ſont

therwiſe. For Redreſs whereof divers Statutes were made while the Kingdom was of the Roman Communion; but his whole Power was not taken away till towards the latter End of Henry the Eighth's Reign.

Paramount.

PAramount is compounded of two French Words (par and monter;) and it ſignifies in our Law the Higheſt Lord of the Fee. For the better Underſtanding of this, ſee F. N. B. f. 135. M. in his Writ of Meſne.

Paraphernalia.

PAraphernalia, in Greek Παραφερνα a παρα præter, & φερνη dos. They are Goods which a Wife challengeth above her Dower. 1 Cro. Lord Haſtings against Douglas.

Paravail.

PAravail is alſo compounded of two French Words (par and availer;) and ſignifies in our Law the loweſt Tenant of the Fee, who is Tenant to one that holds over of another. See for the Uſe of this Word F. N. B. in his Writ of Meſne, f. 135. M.

Parceners.

PArceners are according to the Courſe of the Common Law and according to Cuſtom. Parceners according to the Common Law are, where one ſeiſed of an Eſtate of Inheritance of Tenements hath no Iſſue but Daughters, and dies, and the Tenements deſcend to the Daughters

ters; then they are called Parceners, and are but as one Heir. The ſame Law is, if he have not any Iſſue, and that his Siſters ſhould be his Heirs. But if a Man hath but one Daughter, ſhe is not called Parcener, but the Daughter and Heir. And if there are no Daughters nor Siſters, the Land ſhall deſcend to the Aunts, and they are called Parceners.

When Lands deſcend to divers Parceners, they may make Partition between themſelves by Agreement; but if any of them will not make Partition, then the other ſhall have a Writ de Partitione facienda directed to the Sheriff, who ſhall make Partition between them by the Oath of xii lawful Men of the Bailywick.

Alſo Partition by Agreement may be made by the Law, as well by Word without Deed, as by Deed. And if they are of full Age, the Partition ſhall remain for ever, and ſhall never be defeated.

But if the Lands be to them in Tail, though they are concluded during their Lives, yet the Iſſue of him who hath the leſſer Part in Value may diſagree from the Partition; and enter and occupy in common with the other Part. And if the Husbands of the Parceners make Partition, when the Husband dies, the Wife may diſagree from the Partition. Alſo if the Parcener, who is within Age, makes Partition, when ſhe comes to full Age ſhe may diſagree. But ſhe muſt take good Heed when ſhe comes to her full Age, that ſhe take not all the Profits to her own Uſe of the Lands which were to her allot-

appel *Parceners*, & ſont forſque un Heire. Meſme le Ley eſt, ſi neyt aſcun Iſſue, & que ſes Soers ſerrofent ſes Heires. Mes ſi home ad forſque un File, el neſt dit *Parcener*, mes la File & la Heire. Et ſi ne ſont Files ne Soers, les Terres deſcenderont a les Aunts, & els ſont *Parceners*.

Quand Terres diſcendont a divers *Parceners*, els poient faire Partition enter eux per Agreement; mes ſi aſcun de eux ne voilent faire Partition, donque les auters averont un Brief *de partitione faciendo* direct al Viſcount, que ferra Partition enter eux per le ſerement de xii loyals homes de ſa Bailywike.

Auxy Partition per Agreement poiet eſtre fait per le Ley, auxy bien per Parol ſans Fait, come per Fait. Et ſils ſont de pleine age, la Partition touts jours demurreta, & ne ſerra unques defete.

Mes ſi les Terres ſont a eux en le taile, coment que ils ſont conclude durant lour vies, uncore le Iſſue ceſtuy que ad le meinder part en value poit diſagree a la Partition, & enter & occupier en common oveſque le auter part. Et ſi les Barons des Parceners font Partition, quand le Baron devie la Feme poit diſagree a la Partition. Auxy ſi le *Parcener* que eſt deins age fait Partition, quand el vient a ſon pleine age el poit diſagreer. Mes el covient bien garder quand el vient a ſon pleine age, que el ne preigne touts les Profits a ſon uſe demeſne des Terres que fueront a luy allottes;

car donques el ſoy agree al le Partition: Et le plein age ſerra touts foits entende al age de 21 ans.

Auxy ſi ſont divers Parceners que ont fait Partition entre eux, & le part de un ſoit recover vers luy per Title loyal; donques el compellera les auters de faire novel Partition.

Parceners ſolonque le *Cuſtome* ſont, lou home eſt ſeiſie de Terres en *Gavelkind*, come en *Kent*, & auters lieux franchiſes, & ad iſſue divers Fits, & devie; donque les Fits ſont *Parceners per le Cuſtom.*

Parco fracto.

P*Arco fracto* eſt un Brief que giſt vers ceſtuy que enfreint aſcun Pound, & priſt hors de ceo aſcuns avers queux ſont la loyalment impounds. Veies de ceo *F. N. B. f.* 100. *E.*

Park.

P*Ark* eſt un lieu en que per preſcription ou per grant de Roy, un Subject preſerve ſon game des avers *feræ naturæ.* Veies Stat. *Weſtm.* 1. 3 *E.* 1. *cap.* 20.

Parliament.

P*Arliament.* Veies le Seignior *Coke*'s 4. Inſtitut. & Monſieur *Cowel*'s Interpreter, title *Parliament.*

Parſon imparſonee.

P*Arſon imparſonee* eſt ceſtui que eſt en poſſeſſion de un Egliſe appropriе ou preſentative; car iſſint eſt uſe en ambideux caſes en *Dyer, f.* 40. *b.* & *f.* 221. *b.*

ted; for then ſhe agrees to the Partition: And the full Age ſhall always be intended the Age of one and twenty Years.

If there be divers Parceners that have made Partition between them, and one of their Parts is recovered by lawful Title; then ſhe ſhall compel the other to make a new Partition.

Parceners according to Cuſtom are, where a Man is ſeiſed of Lands in Gavelkind, as in Kent, and other Places franchiſed, and hath Iſſue divers Sons, and dies, then the Sons are Parceners by Cuſtom.

Parco fracto.

PArco fracto is a Writ that lies againſt him that breaks any Pound, and takes out the Beaſts which are there lawfully impounded. See of this F. N. B. 100. E.

Park.

PArk is a Place in which by Preſcription or by the King's Grant, a Subject preſerves his Game of Beaſts feræ naturæ. See Stat. W. 1. 3 E. 1. cap. 20.

Parliament.

PArliament. See the Lord Coke's 4th Inſtitutes, and Mr. Cowel's Interpreter, Title Parliament.

Parſon imparſonee.

PArſon Imparſonee is he that is in Poſſeſſion of a Church appropriate or preſentative; for ſo it is uſed in both Caſes in Dyer, f. 40. b. and f. 221. b.

Par-

Parties.

PArties to a Fine or Deed are those which are named in a Deed or Fine as Parties to it; as those that levy the Fine, and they to whom the Fine is levied. And they that make a Deed of Feoffment, and they to whom it is made, are called Parties to the Deed: And so in many other like Cases.

Note, that if an Indenture be made between two as Parties thereto in the Beginning, and in the Deed one of them grants or lets a Thing to another who is not named in the Beginning, he is not Party to the Deed, nor shall take any Thing thereby.

Partition.

PArtition is a Dividing of Lands descended by the Common Law, or by Custom among Co-heirs or Parceners, where there are two at least, whether they be Sons, Daughters, Sisters, Aunts, or otherwise of kin to the Ancestor from whom the Land descended to them.

And this Partition is made four Ways for the most Part; whereof three are at Pleasure and by Agreement among them, the fourth is by Compulsion.

One Partition by Agreement is, when they themselves divide the Land equally into so many Parts as there are of them Coparceners, and each to chuse one Share or Part, the Eldest first, and so the one after the other, as they be of Age; except that the eldest by Consent made the Partition, then the Choice belongs to the next, and so the eldest last, according as it is said, Who makes the Partition, the other must have the Choice.

Parties.

P*Arties* al Fine ou Fait sont ceux queux sont nosmes en Faits ou Fines come *Parties* a ceo; come ceux queux levie le Fine, & ils a que le Fine est levie. Et ils que font un Fait de Feoffment, & ils a que il est fait, sont appelles *Parties* al Fait: Et issint en auters semblables cases.

Nota, que si un Indenture soit fait enter deux come *Parties* a ceo en le commencement, & en le Fait un de eux granter ou lessa un chose al un auter que nest nosme en le commencement, il nest *Partie* al Fait, ne prendra riens per ceo.

Partition.

P*Artition* est un Division de Terres descendus per le Common Ley, ou per Custome, perenter Coheirs ou Parceners, ou ils sont deux al meines, soient ils Fitz, Fils, Soers, Aunts, ou autrement de kin al Ancestour de que le Terre discende al eux.

Et cest *Partition* est fait quater voies pur le pluis part; de que trois sont al pleasure & per Agreement perenter eux, le quart est per Compulsion.

Un *Partition per Agreement* est, quand ils mesmes divide le Terre equalment en tants parts come la sont de eux *Coparceners*, & chescun de eslier un share ou part, le eigne primerment, & issint le un apres le auter, come ils sont de age; si non que le eigne per consent fait le Partition, donques le Election appertient al procheine, & issint al eigne, darreinement, accordant come il est dit, *Cujus est Partitio, alterius est Electio.*

Un auter *Partition per Agreement* eſt, quand ils eſliont certain de lour Amies de faire Diviſion per eux.

Le tierce *Partition per Agreement* eſt, per trahens de Lots, iſſint: Primerment de divider le Terre en tants des parts come la ſont *Parceners*; donques a ſcriber cheſcun part ſeveralment en un petit Scroll, ou peece de paper ou parchment, & de mitter ceux Scrolls cloſe en un Hat, Cap, ou auter tiel ſemblable choſe; & donques cheſcun Parcener, un apres auter, come ils ſont de age, a traher un peece ou Scroll en que eſt eſcript un part del Terre, que per ceſt Trahens eſt ore ſeveralment allotte al eux en Fee-ſimple.

Le quart *Partition*, que eſt *per Compulſion*, eſt, lou un ou aſcun des les Coparceners voilent aver Partition, & auters ne voilent agreer a ceo; donques ceux que iſſint voilent aver Partition poyent porter un Brief *De Partitione faciendâ* envers les auters queux ne voilent faire Partition, per vertue dequel ils ſerront compel de parter, *&c.*

En *Kent*, lou les Terres ſont de *Gavelkind*-nature, ils appel a ceſt jour lour Partition *Shifting*, il meſme parol que les *Saxons* uſe, noſmement *Shiftan*, que ſignifie pur fair Partition perenter Coheires, & pur aſſigner a cheſcun de eux lour portion. En *Latine* eſt appelle *Herciſcere.*

Partition auxy poit eſtre fait per Joyntenants ou Tenants en common per ltur aſſent, per Fait enter eux, ou per Brief, per les Statutes de 31 H. 8. c. 1. & 32 H. 8. c. 32.

Another Partition by Agreement is, when they chuſe certain of their Friends to make Diviſion for them.

The third Partition by Agreement is by drawing Lots, thus: Firſt, to divide the Land into ſo many Parts as there are Parceners; then to write every Part ſeverally in a little Scroll, or Piece of Paper, or Parchment, and put the ſame Scroll up cloſe into a Hat, or Cap, or other ſuch like Thing; and then each Parcener, one after another as they are in Age, to draw one Piece or Scroll wherein is written a Part of the Land, which by this Drawing is now ſeverally allotted to them in Fee-ſimple.

The fourth Partition, which is by Compulſion, is when one or ſome of the Coparceners would have Partition, and other ſome will not agree thereto; then they that ſo would have Partition may bring a Writ De Partitione faciendâ againſt the others that would not make Partition, by Virtue whereof they ſhall be compelled to part, &c.

In Kent, where the Lands are of Gavelkind-Nature, they call at this Day their Partition Shifting, even the ſame Word that the Saxons uſed, namely Shiftan, which ſignifies to make Partition between Co-heirs, and to aſſign to each of them their Portion. In Latin it is called Herciſcere.

Partition alſo may be made by Jointenants or Tenants in common by their Aſſent, by Deed between them, or by Writ, by the Statutes of 31 H. 8. cap. 1. and 32 H. 8. cap. 32.

Paſſport.

Paſsport.

Paſsport is a Word mentioned in the Statute of 2 E. 6. cap. and ſignifies a Licence made by any that hath Authority, for the ſafe paſſage of any Man from one Place to another.

Patron.

Patron is he that hath the Advowſon of a Parſonage, Vicarage, Free-chapel, or ſuch like Spiritual Promotion, belonging to his Manor, or otherwiſe in groſs, and thereby may or ought to give the ſame Benefice, or preſent thereto when and as often as it becomes void. And this being Patron or Patronage, had beginning for the moſt part by one of theſe three ways: namely, either by reaſon of the Foundation, for that the Patron or his Anceſtors, or thoſe from whom he claims, were Founders or Builders of the Church; or by reaſon of Donation, for that they did endow or give Lands to the ſame for maintenance thereof; or elſe by reaſon of the Ground, becauſe the Church was ſet or built upon their Soil or Ground: And many Times by reaſon of all three.

Paunage *or* Pannage.

Paunage or Pannage, is that money which the Agiſtors of Forreſts do gather for the feeding of Hogs within the Foreſt: And it is alſo taken for all manner of Maſt of Trees within the Forreſt on wich the Hogs do feed. See Manw. For. Laws, chap. 12. fol. 90. a.

Paſport.

P*Aſport* eſt un parol mention en le Statute 2 *E. 6. cap.* 2. & ſignifie un Licence fait per aſc' que ad authority, pur le ſafe *paſſage* de aſcun home del un lieu al auter.

Patron.

P*Atron* eſt celuy que ad l'Advowſon d' un Parſonage, Vicarage, Frank-chappel, ou tiel ſembl' Spiritual Promotions, appertinent a ſon Mannor, ou auterment en groſſe, & per ceo poit ou doit doner meſme l' Benefice, ou preſent a ceo, quant & cy toſt que il devient voide. Et ceſt eſteant *Patron*, ou *Patronage*, ad commencement pur l'pluis part per un de ceux troyes voyes: noſmement, ou *ratione Fundationis*, pur ceo que l'Patron ou ſes Auncеſtors, ou ceux de que il claime, fueront Founders ou Edifiers de l'Eſgliſe; ou *ratione Donationis*, pur ce que ils endowe ou done Terres al ceo pur maintenance; ou auterment *ratione Fundi*, pur ceo que le Eſgliſe ſuit mis ou edifie ſur lour ſoile ou rerre: & divers temps per reaſon de touts trois.

Paunage ou *Pannage*

P*Aunage* ou *Pannage*, (*Pannagium*) eſt ceo argent que les Agiſtors des Forreſts collect pur l' feeder des Porcels deins l' Forreſt, & eſt auxy priſe per touts manners del Maſt des arbres deins l' Forreſt, de que les Porcels feed. Veies *Manw. For. Leys*, *c.* 12. *f.* 90. *a.*

Peculiar.

Peculiar.

PEculiar eſt un particular Pariſh ou Egliſe que avoit Juriſdiction deins luy meſme pur probat de Teſtaments exemps des Courts del Ordinary ou Eveſque.

Peculiar.

PEculiar is a particular Pariſh or Church, that hath Juriſdiction within it ſelf, for Probat of Wills, &c. exempt from the Ordinary or Biſhop's Courts.

Peers.

PEers ſont ceux que ſont impannels en un Enqueſt ſur aſcun home, pur l' convicter ou acquiter d' luy d' aſc' offence pur que il eſt en queſtion. Le reaſon d' ql' appellation de Jury eſt pur ceo, que *Peers* venuſt del *Latin Pares*, id eſt, *Egals*; & le Cuſtome de noſtre Nation eſt, pur trier cheſcun home per ſes *Egals*, ceſtaſcavoire, per ſes *Peers*. Et iſſint appiert per l' Statutes de *Mag. Charta. cap.* 29. & *Weſt.* 1. *cap.* 6. Ceſt parol eſt auxy uſe pur le Nobility del Realm & les Seigniors del Parliament, queux ſont apelles *les Peers del Realm.* Et de ceo veies *Staundf. Pl. Coron. lib.* 3. *cap.* 1. *fol.* 152.

Peers.

PEers are thoſe that are impannelled in an Enqueſt upon any Man, for the Convicting or clearing him of any Offence for which he is called in queſtion. The reaſon of which appellation of the Jury is, for that Peers comes for the Latin Pares, that is, Equals; and the Cuſtom of our Nation is, to try every Man by his Equals, that is to ſay, by his Peers. And ſo it appears by the Statutes of Magna Charta cap. 29. & Weſt. 1. cap. 6. The word is alſo uſed for the Nobility of the Realm and Lords of the Parliament, who are called the Peers of the Realm. And of that ſee Staundf. Pl. of the Crown lib 3. cap. 1. fol. 152.

Perambulatione facienda.

PErambulatione facienda eſt un Brief que giſt lou 2 Seigniories giſont un pres lauter, & aſcun Encrochment eſt fait per long temps; donques per aſſent de ambideux Seigniors, l' Viſcount prendera oveſque luy les parties & les vicines, & fieront *Perambulation*, & fieront les Metes come ils fueront a devant. Mes ſi un Seigniour encroach ſur lauter, & ne voile faire Perambulation, donques le Seigniour iſſint

Perambulatione facienda.

PErambulatione facienda is a Writ that lies where the Lordſhips lie one nigh another and ſome Encroachment is made by long Time; then, by Aſſent of both Lords, the Sheriff ſhall take with him the Parties and the Neighbours, and ſhall make Perambulation, and ſhall mark the Bounds as they were before. But if a Lord encroach upon another, and he will not make Perambulation, then the Lord ſo grieved ſhall have a Writ

inſt the other, which is called Rationabilibus diviſis.

Perinde valere.

Erinde valere is a Term that belongs to the Eccleſiaſtical aw, and ſignifies a Diſpenſati- granted to a Clerk, who not ing capable of a Benefice or her Eccleſiaſtical Function, is facto admitted to it. And it th the Name from the Words ich make the Faculty as effec- al to the Party, as if he were ually capable of the Thing for ich he hath his Diſpenſation the Time of his Admittance.

Perjury.

Erjury is a corrupt or volun- tary falſe Oath given in ancery, or in Evidence to a ry upon Trial of an Iſſue at mmon Law. See Stat. 5. cap. 9.

Per my & per tout.

Joint-Tenant is ſaid to be ſeiſed of the Lands that he lds jayntly, per my & per tout, e. he is ſeiſed by every parcel, d by the whole.

Pernor of profits.

Ernor of Profits is he that takes the Profits. Pernor of ofits and Ceſtuy que uſe is all , Coke, lib. 1. Caſu Chudley. 123.

But one may be Pernor of &c. not Ceſtuy que uſe by Title by Cavin, which ſee Co. 5. 77. Co. Ent. 698. 2 Leo. rep. 16. nderſon. 25. Stat. 11 H. 6. 3.

grieve avera Brief vers lauter, que eſt appelle *de Rationabilibus diviſis.*

Perinde valere.

P*Erinde valere* eſt un terme que appent al ley Eccleſiaſtical, & ſignifie un diſpenſation graunt al un Clerk, que neſteant capable de un Benefice ou auter Eccleſiaſtical Function eſt *de facto* a ceo admit. Et avoit ceſt appellation des parols que font l' faculty cy effectual al party, ſicome il fuit actual- ment capable del choſe per que il ad ſon Diſpenſation al temps de ſon admittance.

Perjury.

P*Erjury* eſt un corrupt ou voluntary faux ſerement done en Chancery ou en Evidence al Enqueſt ſur tryal de un iſſue al Common Ley Vide Stat. 5 *El. cap.* 9.

Per my & per tout.

UN Joynt-tenant eſt dit de eſtre ſeiſie des Terres que il tient joyntment, *per my & per tout, i. e.* il eſt ſeiſie per cheſcun parcel & per tout.

Pernor de Profits.

P*Ernor de Profits* eſt il que prende les Profits. *Pernor de Profits & Ceſtuy que uſe eſt tout meſme, Coke lib.* 1. *Caſu Chudley, fol.* 123.

Mes un poit eſtre *pernor, &c.* & non ceſtuy que uſe per title mes per Covyn, quel veies *Coke* 5. 77, 78. *Co. Ent.* 698. 2 *Leo. rep.* 16. 2 *Anderſon.* 25. *Stat.* 11 *H.* 6. 3.

Perpetuity.

PErpetuity eſt uſe en Ley ou un eſtate eſt iſſint deſign deſtre ſettle en tail, &c. que ceo ne poet eſte defait ou anient. Quel le ſtate Angleterre ne poit porter, come eſt dit in fine caſus, *Moo. rep.* 809. 810. *Cok* 1. 84. 130. *Co.* 6. 40. *& lib.* 8. 90.

Per quæ ſervitia.

PER *quæ ſervitia* eſt un Brief judicial, que iſſuiſt del Note d'un Fine: & giſt pur l'Conuſee d'un Mannor ou Seigniory, pur compel ceſtuy que eſt Tenant del Terre al temps del Fine levy pur attorne a luy. Et de ceſt Brief veies *Vieux N. B fol.* 170. *a.*

Perquiſites.

PErquiſites ſont Advantages & Profits queux vient al un Mannor per caſualty, & non annuelment; come Eſcheats, Harriots, Reliefs, Waifes, Eſtrays, Forfeitures, Amerciaments en Courts, Biens & Terres purchaſe per Villeins de meſme l' Mannor, Fines del Copiholds, & divers ſemblables choſes queux ne ſont certaine, mes happe per chance, aſcun temps pluis often que a auter temps. Vide *Perkins fol.* 20. *&* 21.

Perſonalty.

PErſonalty: come le Action eſt en le *Perſonalty*, ceſt aſcavoir, port envers le droit perſon, ou le perſon envers quel en Ley il giſt.

Petit. Cape.

PEtit Cape eſt un Brief que giſt quant aſcun Action

Perpetuity.

PErpetuity is uſed in Law where an Eſtate is ſo deſigned to be ſettled in Tail, &c. that it cannot be undone or made void. Which the State of England cannot bear, as it is ſaid in the End of the Caſe, Moo. rep. 809, 810. Co. 1. 84. 130. Co. 6. 40. & 1. 90.

Per quæ ſervitia.

PER quæ ſervitia is a Writ Judicial, and goes out upon the Note of a Fine; and it lies for the Conuſee of a Manor or Seigniory, to compel him that is Tenant of the Land at the Time of the Fine levied to attourn to him. And of this Writ ſee the Old N. B. f. 172. a.

Perquiſites.

PErquiſites are Advantages or Profits that come to a Manor by Caſualty, and not yearly, as Eſcheats, Heriots, Reliefs, Waifs, Eſtrays, Forfeitures, Amerciaments in Courts, Goods and Lands purchaſed by Villains of the ſame Manor, Fines of Copiholds, and divers other like Things that are not certain, but come by Chance, ſometimes more often than at other times. See Perkins, fol. & 21.

Perſonalty.

PErſonalty: As the Action is in the Perſonalty, that is to ſay, brought againſt the Perſon, or the Perſon againſt whom in Law it lies.

Petit Cape

PEtit Cape is a Writ that when any Actions Real,

to ſay, of Plea of Land, is ought, and the Tenant appears, and afterward makes default; then this Petit Cape ſhall go forth to ſeiſe the Lands into the King's Hands. But if he appears not at the firſt Summons, then a Grand Cape ſhall go forth; and for ſuch default the Tenant ſhall loſe the Land. But if he wage his Law of Non-ſummons, he ſhall have his Default, and then he may plead with the Demandant. And in Grand Cape the Tenant ſhall be ſummoned to anſwer to the Default, and farther to the Demandant: But in Petit Cape he ſhall be ſummoned to anſwer to the Default only, and not to the Demandant. And it is called Petit Cape for that there is leſs in this Writ than in the other.

Petit Serjeantie.

To hold by Petit Serjeantie is as if a Man held Lands or Tenements of the King yielding him a Knife, a Buckler, an Arrow, a Bow without ſtring, or other like Service at the Will of the firſt Feoffor; and thereto doing not Ward, Marriage or Relief. And mark well that a Man may not hold by Grand or Petit Sejeanty, but of the King. See the Stat. 12 Car. cap. 23.

Petit Treaſon.

Petit Treaſon is a Treaſon of a lower Degree; as if a Servant kill his Maſter, a Wife her Husband, or a Religious Man his Prelate.

Real, ceſtaſcavoire, de Plee de Terre, eſt port, & le Tenant appeare, & puis fait Default; donques iſſera ceſt *Petit Cape*, de ſeiſer les Terres, in mains le Roy. Mes ſi ſil ne appeare al primer Summons, donques iſſera un *Grand Cape*, & pur tiel Default le Tenant perdra la Terre. Mes ſil gage ſon Ley de Non-ſummons, il ſaver ſon Default, & donques il poit plede oveſqne le Demandant. Et in *Grand Cape*, le Tenant ſerra ſummon pur reſponder al Default, & ouſter al Demandant. Mes en *Petit Cape* il ſerra ſummon pur reſponder al Default ſolement, & nemy al Demandant. Et eſt appelle *Petit Cape*, pur ceo que il ad *minus* en cel Brief que en lauter.

Petit Serjeantie.

TEner per *Petit Serjeantie* eſt ſicome un home tient de Roy Terres ou Tenements, rendant a luy un Cuttel, un Eſcue, un Sette, un Arc ſans cord, ou auter ſemble Service, a la volunt le primer Feoffor; & la nappent Gard, Marriage ne Relief. Et nota que home ne poit tener per Grand Sejeantie ne per *Petit Serjeantie*, ſi non del Roy. Veies le *Stat. 12. Car. 2. cap.* 24.

Petit Treaſon.

PEtit Treaſon eſt un Treaſon de meinder degree; come ſi Servant tue ſon Maiſtre, un Feme ſa Baron, ou un home de Religion ſon Prelate.

Pettybag.

PEttybag eſt un Office en le Court de Chancery pur ſuits, pur & envers les Attornies & Officers de cel Court. Et pur proceſs & proceedings per extents ſur Statutes & Recogniſances, *Ad quod damnum*, &c. *Parva baga dicitur.*

Pettybag.

PEttybag is an Office in the Court of Chancery, for Suits for and againſt Attorneys and Officers of that Court; and for Proceſs and Proceedings by Extents on Statutes, Recognizances, Ad quod dampnum, &c. Parva baga dicitur.

Piccage.

PIccage (*Piccagium*) eſt le payment des deniers, ou les deniers, paies pur le infriender del ſoile pur erecter Tents ou Settles en Faires.

Piccage.

PIccage is the Payment of Money, or the Money paid for the Breaking of the Ground to ſet up Booths and Standings in Fairs.

Picle, Pitle, or *Pightel.*

CEO ſemble de vener del *Italian Piccolo, Parvus,* & ſignifie oveſque nous un Petit Cloſe ou Incloſure.

Picle, Pitle, or Pightel.

THIS ſeems to come from the Italian Piccolo, Parvus, and ſignifies with us a little ſmall Cloſe or Incloſure.

Pillory.

PIllory eſt un Engine del penance ordeine per le ſtatute de 51 *H.* 3. pur le puniſhment des Piſtors; mes a ore uſe pur pluſors auters Offendors. Et eſt appel en *Latine Colliſtrigium.*

Pillory.

PIllory is an Engine of Punishment ordained by the Statute of 51 H. 3. for the Punishment of Bakers; but now uſed for many other Offendors and is called in Latin Colliſtrigium.

Pipowders.

PIpowders eſt un Court que eſt incident a cheſcun Faire, pur le determination de differences ſur contract & touts diſorders en ceo commiſe. Veies pluis de ceo *Cromp. Juriſd. fol.* 229. *Coke, lib.* 10. *fol.* 73.

Pipowders.

PIpowders is a Court which is incident to every Fair for the Determination of Differences upon Bargains, and all Diſorders committed therein. See more hereof Crom. Juriſd. fol. 229. Coke, lib. 10. fol. 73.

Piſcary.

PIſcary eſt un Liberty del Piſcher en le eve de un auter: ou de ſoy meſme.

Piſcary.

PIſcary is a Liberty of Fiſhing in another Man's Water, or his own.

Placard.

Placard is a Word uſed in the Statute of 33 H. 8. cap. 6. & 2 & 3 Ma. cap. 9 and it ſignifies Licence to uſe unlawful Games, or to ſhoot in a Gun.

Plaintiff.

Plaintiff is he that ſues or complains in an Aſſiſe, or in an Action perſonal; as in an Action of Debt, Treſpaſs, Diſceti, Detinue, and ſuch other.

Pledges.

Pledges are Sureties either real or formal, which the Plaintiff ought to proſecute his Suit.

Pleading.

Pleadings are all the Sayings of the Parties to Suits after Count or Declaration; namely that which is contained in the Bar, Replication, and Rejoynder; and not that contained in the Count it ſelf; and therefore Faults in the Matter of Count are not compriſed within Miſpleading, or inſufficient Pleading, but are remedied by the Statute of Jeofails, 32 H. 8. but only Miſpleading or inſufficient Pleading committed in the Bar, Replication and Rejoynder, are there provided for. But ſee it is now remedied alſo by the Statute of 18 Eliz. cap. 13.

Plegiis acquietandis.

Plegiis acquietandis is a Writ that lies for a Surety againſt him for whom he is Surety, if the Money be not paid at the Day. Fitz. N. B. 137. Reg. Brev. 158.

Placard.

PLacard eſt un parol uſe en les Statutes de 33 *H.* 8. *cap.* 6. & 2 & 3 *M. cap.* 9. & ſignifie un Licence pur uſer illoyal Games, ou de ſhooter en un Bombarde.

Plaintiff.

PLainliff eſt celuy que ſue ou *complaine* en un Aſſiſe, ou en un Action Perſonal, come en un Action de Det, Treſpas, Deſceit & Detinue, & tiels ſemblables.

Pledges.

PLedges ſont Sureties ou real ou formal, queux le Plaintiff trove a proſecuter ſon Suit.

Pleading.

PLeadings ſont touts Acts del Parties al Suits apres le Count ou Declaration; noſmement ceo que eſt containe en le Barre, Replication, & Rejoynder, & non ceo conteine en le Count meſme; & pur ceo Defaults en le matter del Count ne ſont compriſe deins *Miſpleading*, ou inſufficient Pleading, ne ſont remedie per le Statute de *Jeofailes*, 32 *H.* 8. mes ſolement ceo miſpleading ou inſufficient Pleading commit en le Barre, Replication, & Rejoynder, ſont la provide. Mes veies ceux auxy ore remedies per le Statute 18 *Eliz. cap.* 13.

Plegiis acquietandis.

PLegiis *acquietandis* eſt un Brief que giſt pur un Surety vers luy pur que il eſt Surety, ſi il ne pay les deniers al temps, *Fitz. N. B.* 137. *Reg. Brev.* 158.

Plenartie.

PLenartie eſt, quand un Benefice eſt *plene*, directment oppoſite al Vacation que ſignifie le avoidance del un Benefice. *Staundf. Prerog. cap. 8. fol. 32.*

Plevyn.

PLevyn. See *Replevyn.*

Pluralities.

PLuralities ſont ou Vicar ou Rector avoit deux ou pluſors Eccleſiaſtical Benefices; pur quel vide Statute, 21 *H. 8. c.* 13.

Pluries.

PLuries eſt un Brief que iſſuiſt en le tierce lieu, ſi le deux prior Briefs ne ſont obey; car primerment iſſuiſt un Original Brief, que ſi ne avoit effect, donc un ſicut alias; & ſi ceo fail, donc un Pluries. *Veil N. B.* 33.

Policy del Aſſurance.

POlicy *del Aſſurance* eſt un courſe priſe per Merchants pur les aſſurer de lour Adventures ſur le Mer, pur doner un certain proportion per centum pur le ſecurer del ſafe retourne del Neiſe & tant des Merchandizes ſur que eſt agree. Et de ceo poies lier en Statute de 43 *Eliz. cap.* 12.

Sur quel un Action giſt a common Ley ou en le Court (per literas Patentes le Roy) ſeant a le *Royal Exchange* en *Londres*, les Judges de quel ſont Civilians, Common Lawyers & Merchants.

Plenartie.

PLenartie is, when a Benef is full, directly contrary Vacation, which ſignifies being void of a Benefice, Staun Prerog. cap. 8. fol. 32.

Plevyn.

PLevyn. See Replevyn.

Pluralities.

PLuralities are where a Vica or Rector, has two or mo Eccleſiaſtical Benefices. which ſee Stat. 21 H. 8. cap. 13.

Pluries.

PLuries is a Writ that goe out in the third Place, the two former Writs are diſ beyed; for firſt iſſues an Ori nal Writ, which if it do n take Effect, then a Sicut alias and if this fail, then a Pluries Old Nat. Brev.

Policy of Aſſurance.

POlicy of Aſſurance is a Cour taken by Merchants for t aſſuring of their Adventures up the Sea, by giving a certain Pr portion in the Hundred for ſec ring the ſafe Return of the Shi and ſo much Merchandize as agreed upon. And of this y may read in the Statute of Eliz. cap. 12.

Upon which an Action lies the Common Law, or in t Court (by the King's Patr ſitting at the Royal Exchange London, the Judges of whi are Civilians, common Lawye and Merchants.

Pone.

POne is a Writ whereby a Cauſe depending in the County-Court is removed into the Common-Pleas. See for this Old N. B. fol. 2. a.

Pone per Vadium.

POne per Vadium is a Writ commanding the Sheriff to take Security of a Man for his Appearance at a Day aſſigned. Of this there are five Sorts, which ſee in the Table of the Regiſter Judicial, ſub hoc Verbo.

Pontage.

POntage is a Word mentioned in many Statutes: As in Weſtm. 1. cap. 25. 1 H. 8. cap. 9. & 39 Eliz. cap. 24. and it ſignifies ſometimes the Contribution that is gathered for the Repairing of a Bridge; ſometimes the Toll paid by the Paſſengers to that Purpoſe.

Portgreve.

POrtgreve. See Viſcount.

Portmoot.

POrtmoot is a Word uſed in the Statute of 43 Eliz. cap. 15. and ſignifies a Court kept in a Haven-Town.

Poſſeſſio fratris.

POſſeſſio Fratris is where a Man hath a Son and a Daughter by one Woman, and a Son by another Venter, and dies; the firſt Son enters and dies without Iſſue, the Daughter ſhall have the Land as Heir to her Brother, although the

Pone.

POne eſt un Brief per que un Caſe que depend en le County-Court eſt remove en le Common Plees. Veies pur ceo *Veil N. B. fol. 2. a.*

Pone per Vadium.

POne per Vadium eſt un Brief direct al Viſcount, commandant lui de prendre Securitie de un home pur ſon Appearance al jour aſſigne. De ceo la ſont cinque Sorts, queux poiez veier en le Table del *Regiſter Judiciel, ſub hoc Verbo.*

Pontage.

POntage eſt un parol mention en divers Statutes: Come *Weſt. 1. cap.* 25. 1 H 8. *cap.* 9. & 39 *Eliz. cap.* 24. & ſignifie aſcun foits le Contribution collect pur le Reparation de un *Pont*; aſcun foits le Tolle pay per paſſengers a ceo purpoſe.

Portgrive.

POrtgrive. Veies *Viſcount.*

Portmoot.

POrtmoot eſt un parol uſe en le Statute de 43 *Eliz. c.* 15. & ſignifie un Court tenus en un Port-ville.

Poſſeſſio Fratris.

POſſeſſio Fratris eſt ou un home ad fits & file per un venter, & un fits per auter venter, & moruſt, le primer fits enter & devy ſans Iſſue, la file avera la terre, come heire a ſon frere coment que

le ſecond fits eſt heire a ſon pere. *Litt. ſect* 8.

Poſſeſſion.

POſſeſſion eſt deux voies; ou actual, ou en Ley.

Actual Poſſeſſion eſt, quand un home enter en fait en Terres ou Tenements a luy diſcende, ou auterment.

Poſſeſſion en Ley eſt, quand Terres ou Tenements ſont diſcende al un home, & il nad uncore realment, actualment, & en fait enter en eux. Et il eſt appelle *Poſſeſſion en Ley*, pur ceo que en le oiel & conſideration del Ley il eſt penſe deſtre en Poſſeſſion, entant que il eſt Tenant a chescun Action que aſcun voit ſuer concernant meſmes les Terres ou Tenements.

Poſt diem.

POſt *diem* eſt le Return de un Brief apres le jour aſſign pur le Return de ceo.

Poſt diſſeiſin.

POſt *diſſeiſin.* Vide de ceo devant en le Title *Aſſiſe.*

Poſtea.

POſtea eſt le Record des proceedings ſur un Trial per un Brief de *Niſi prius* que eſt returne apres le Trial per le Judge devant que fuit trie en le Court lou le Action primerment commence, dayer Judgement la done ſur le Verdict; & eſt appelle le *Poſtea* pur ceo que il commence ove Poſtea die & loco, *&c.*

Poundage.

POundage eſt un Subſidy al value de duodize deniers en le liver, que eſt grant al Roy

ſecond Son is Heir to the Father. Litt. Sect. 8.

Poſſeſſion.

POſſeſſion is twofold; either actual, or in Law.

Actual Poſſeſſion is, when a Man actually enters into Lands or Tenements to him deſcended, or otherwiſe.

Poſſeſſion in Law is, when Lands or Tenements are deſcended to a Man, and he hath not as yet really, actually, and in Deed entred into them. And it is called Poſſeſſion in Law, becauſe in the Eye and Conſideration of the Law he is deemed to be in Poſſeſſion, ſince he is Tenant to every Man's Action that will ſue concerning the ſame Lands or Tenements.

Poſt diem.

POſt diem is the Return of a Writ after the Day aſſigned for its Return.

Poſt diſſeiſin.

POſt diſſeiſin. Look for that before in the Title Aſſiſe.

Poſtea.

POſtea is the Record of the Proceedings upon a Trial by a Writ of Niſi prius, which is returned after the Trial by the Judge before whom it was tried into the Court where the firſt Suit began, to have Judgment there given upon the Verdict; and it is called the Poſtea, becauſe it begins with Poſtea die & loco, &c.

Poundage.

POundage is a Subſidy to the Value of 12 d. in the Pound, which is granted to the King by

very Merchant, as well Denizen as Alien, for all Manner of Merchandize carried out and brought in. And of such Subsidies see the Statute 1 & 2 Ed. 6. cap. 13. & 1 Jac. cap. 33. & 14 Car. 2. cap. 24.

Also by Stat. 29 Eliz. cap. 4. every Sheriff is allowed Poundage for levying Debt or Damages by Execution.

Pounds.

Pounds are in two Sorts; the one Pound open, the other close.

Pound open is every Place wherein a Distress is put, whether it be common Pound, or Back-side, Court-Yard, Pasture, or else whatsoever where the Owner of the Distress may come to give them Meat, without Offence for their being there, or his Coming thither.

Pound close is such a Place where the Owner of the Distress may not come to give them Meat without Offence; as in close House, or whatsoever else Place.

Pourpresture.

Pourpresture is the wrongful inclosing of another Man's Property. See Co. 2 Inst. 38 & 272.

Poynings Law.

Poynings Law is an Act of Parliament made in Ireland in the Time of H. 7. so called because Sir Edw. Poynings was Lord Lieutenant there at the Time of the Making thereof, by which all Statutes in England were made to be of Force in Ireland, which before were not, nor are any in Force there

per chescun Merchant cybien Denizen come Alien, pur touts manners des Merchandizes exports & imports. Et des tiels Subsidies veies le Statutes de 1 & 2 E. 6. c. 13. & 1 Jac. c. 33. & 14 Car. 2. c. 24.

Auxi per le Statute de 29 El. cap. 4. chescun Viscount est allow poundage pur levier Debt ou Damages per Execution.

Pounds.

Pounds sont en deux sorts; le un *Pound overt*, le auter *Pound close*.

Pound overt est chescun lieu en que un Distresse est mis, soit ceo common Pound, ou Back-side, Court-Yard, Pasture, ou auterment quecunque lou le owner del Distresse poit vener a doner eux viand, sans offence pur lour esteant la, ou son vener la.

Pound close est tiel lieu lou le owner del Distresse ne poit vener a doner eux viand sans offence; come en un close meason, ou quecunque auter lieu.

Pourpresture.

Pourpresture est le tortious encloſure del property de un auter. Veies *Co. 2 Inst.* 38. & 272.

Poynings Law.

Poynings Law est un Act de Parliament fait en *Irlande* en temps *H. 7.* issint appel pur ceo que Sir *Ed. Poynings* fuit Seignior Lieutenant la al temps del fesans de ceo, per quel touts le Statutes en *Engleterre* fueront fait de estre de force en *Irlande* que devant ceo temps ne fueront, neque sont

aſcun ore en force la que fueront fait en *Angleterre* apres tiel temps, Co. 12. *Rep.* 190.

now which were made in England ſince that Time, Co. 12. Rep. 190.

Præcipe ou *Præcipe in capite.*

PRæcipe *in capite* eſt un Brief que giſt lou le Tenant tient del Roy en chiefe come de ſa Corone, & il eſt deforce, ceſt adire, ouſte de ſon Terre ; donques il avera ceſt Brief, & il ſerra Cloſe, & ſerra plede en le Common Banke,

Auxy ſi aſcun Tenant que tient de aſcun Seignior ſoit deforce, luy covient ſuer Brief de Droit Patent, que ſerra determine en le Court le Seignior. Mes ſi le Terre ſoit tenus del Roy, le Brief de Droit Patent ſerra port al Court le Roy : Et ceſt Brief poit eſtre remove de la Court de Seignior en le Countie per un *Tolt*, & de le Countie en Common Banke per un *Pone*. Ideo veies devant Titulo *Droit*.

Præcipe or Præcipe in capite.

PRæcipe in capite is a Writ that lies where the Tenant holds of the King in chief as of his Crown, and he is deforced, that is, put out of his Land, then he ſhall have this Writ, and it ſhall be Cloſe, and ſhall be pleaded in the Common Pleas.

Alſo if any Tenant that holds of any Lord be deforced, it behoves him to ſue a Writ of Right Patent, which ſhall be determined in the Lord's Court. But if the Land be holden of the King, the Writ of Right Patent ſhall be brought to the King's Court : And the Writ may be removed from the Lord's Court unto the County by a Tolt, and from the County into the Common Place by a Pone. Look therefore before in the Title Droit.

Præcipe.

PRæcipe ſont de divers ſorts ; Quod reddat terras, come dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat ſectam ad molendinum, Quod permittat, &c.

Præcipe.

PRæcipe are of divers Sorts, Quod reddat terras, as dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat ſectam ad molendinum, Quod permittat, &c.

Præmunire.

PRæmunire eſt un Brief que giſt lou aſcun home ſue aſcun auter en Court Chriſtian pur aſcun choſe que eſt determinable en le Court le Roy ; pur quel grand puniſhment eſt ordain per pleuſeurs Statutes ; ceſtaſcavoire, que

Præmunire.

PRæmunire is a Writ that lies where any Man ſues another in the Spiritual Court for any Thing that is determinable in the King's Court ; for which great Puniſhment is ordained by divers Statutes ; viz. that he ſhall be out of the King's Pro-

tectio

rection, and put in Prison without Bail or Mainprize, till he have made Fine at the King's will, and that his Lands and Goods shall be forfeited if he come not within two Months. And his Provisors, Procurators, Attorneys, Executors, Notaries and Maintainers, shall be punished in the same Manner. Therefore look the Statute.

Also some say, if a Clerk sue another Man in the Court of Rome for a Thing Spiritual, where he may have Remedy within the Realm in the Court of his Ordinary, that he shall be within the Case of the Statute.

And upon divers other Offences is imposed by Statutes lately made, the Penalty that they incur who are attainted in Præmunire: As by 13 Eliz. cap. 8. they who are aiding to make a corrupt Bargain whereupon Usury is reserved above x l. in the Hundred for a Year, &c.

Preamble.

PReamble takes his Name of the Preposition (Præ) before, and the Verb (ambulo) to go; so joyned together, they make the compound Verb (præambulo) to go before; and hereof the first Part or Beginning of an Act is called the Preamble of the Act, which is a Key to open the Minds of the Makers of the Act, and the Mischiefs which they intend to remedy by the same. As for Example, the Statute made Westm. the first, the 1 chap. which gives an Attaint, the Preamble of which is thus: Forasmuch as certain People of the Realm doubt very little

il serra hors de protection le Roy, & mis en prison sans Baile ou Mainprise, tanque il ad fait Fine al volunt le Roy, & que ses Terres & chateux serront forfeits si il ne veigne deins deux mois. Et son Provisors, Procurators, Attornies, Executors, Notaries, & Maintainers, serront punish en mesme le manner. Ideo *vide Statutum.*

Auxy ascuns dionr, que si un Clerke sue auter home en Court de *Rome* pur chose Spiritual, lou il poit aver remedie deins ceste Realme en Court son Ordinaire, que il serra en le case de le Statute.

Et sur divers auters offences est impose, per Statutes depuis fait, le penaltie que eux incurre queux fueront attaints en *Præmunire*: Come per 13 *El. cap.* 8. ceux que aidont a faire corrupt Bargain, sur que Usurie est reserve ouster 10 *l.* en le Hundred pur le an, *&c.*

Preamble.

P*Reamble* ad son nosme de le prepositon (*præ*) *devant*, & le verb (*ambulo*) pur *aller*; issint joynt ensemble, ils sont un compound verb (*præambulo*) pur *aller devant*; & de ceo le primer part ou commencement de un Act est appelle le *Preamble* de le Act, le quel est un cliffe de overer les ments del feasors del Act, & les mischiefs que ils entende de remedie per ceo. Come pur example, le Statute fait al *Westm.* le primer, le 37 *cap.* que done Attaint, le Preamble de que est issint: Pur ceo que ascuns gents de la Terre dout-

ant meins faux Serement faire, que faire ne duiſſent, per que multes des gents ſon diſherites, & perdont lour droit; Purvey, &c.

Prebend & Prebendary.

Prebend & Prebendary ſont parols pluſors foits uſes en noſtre Livres, & ils veignont del Latine (*Præbeo*) *Prebend* eſt ceo part ou portion que cheſcun member ou Canon d'un Cathedral Eſgliſe receive en le droit ſon lieu pur ſon maintenance; & *Prebendary* eſt ceſtuy que avoit tiel *Prebend*.

Predial Diſmes.

Predial Diſmes ſont ceux que ſont pay de choſes queux vienont de Terre ſolement, come Blees, Fene, Fruits des Arbres & tiels ſemblables.

Preignotary.

Preignotary eſt compound des deux parols *Latinoes* (*præ* & *Notarius*;) & eſt uſe en noſtre Ley pur le chief Clerks des Courts le Roy, dont la eſt un en Banke le Roy, & trois en le Common Banke. Ceſtuy en Banke le Roy record touts Actions Civils ſues en ceo Court: Et ceux del Common Banke inrolle touts Declarations, Pleadings & Judgments, & font hors touts judicial Briefs, ils inrolle touts Fines & Recogniſances, & exemplifiont touts Records meſme le Terme devant que les Rolles ſont bail hors de lour mains. En 15 E. 4. 26. *b*. Ceſt Officer eſt appel Præſignator: Et un des trois en Common Banke, Præſignator pauperum.

to give falſe Verdicts or Oaths which they ought not to do, whereby many People are diſherited, and loſe their Right. It is provided, &c.

Prebend *and* Prebendary.

Prebend and Prebendary are Terms often uſed in our Books, and they come of the Latin (præbeo) Prebend is the Portion which every Member of a Canon of the Cathedral Church receives in Right of his Place for his Maintenance: And Prebendary is he that hath ſuch a Prebend.

Predial Tithes.

Predial Tithes are ſuch as are paid of Things that proceed from the Ground only, as Corn, Hay, Fruits of Trees and ſuch like.

Preignotary.

Preignotary is compounded of two Latin Words (præ and Notarius;) and is uſed in our Law for the chief Clerks of the King's Courts, whereof there is one in the King's Bench, and three in the Common Pleas. He in the King's Bench records all Actions Civil ſued in that Court: And they of the Common Pleas inrol all Declarations, Pleadings, and Judgments, and make out all Judicial Writs; they inroll all Fines and Recognizances, and exemplify all Records the ſame Term before the Rolls are delivered out of their Hands. In 15 E. 4. 26. b. This Officer is called Præſignator: And one of the three in the Common Bench Præſignator pauperum.

Premiſſes.

PRemiſſes. See Habendum.

Prender.

PRender is the Power or Right of Taking a Thing before it be offered; from the French prendre, i. e. accipere.

Preſcription.

PReſcription is, when a Man claims any Thing, becauſe he, his Anceſtors or Predeceſſors, or they whoſe Eſtate he hath, have had or uſed it all the Time whereof no Memory is to the contrary.

But one may not preſcribe againſt a Statute, except he have another Statute that ſerves for him.

Preſentment.

PReſentment is of two Significations. One is to a Church; as when a Man hath Right to give any Benefice Spiritual, and names the Perſon to the Biſhop to whom he will give it, and makes a Writing to the Biſhop for him, that is a Preſentation or Preſentment. If divers Coheirs cannot agree in Preſentment, the Preſentee of the eldeſt ſhall be admitted. But if Joyntenants and Tenants in common agree not within ſix Months, the Biſhop ſhall preſent by Lapſe.

The other is a Preſentment or Information by a Jury in a Court, before any Officer who hath Authority to puniſh any Offence done contrary to the Law.

Premiſſes.

P*Remiſſes.* Veies *Habendum.*

Prender.

P*Render eſt Poteſtas aut jus quicquid accipiendi antequam offertur; a Francois prendre,* i. e. *accipere.*

Preſcription.

P*Reſcription* eſt, quand un perſon claime aſcun choſe, pur ceo que il, ſes Anceſtors ou Predeceſſors, ou eux que Eſtate il ad, ont ew ou uſe ceo dont nul memorie curt al contrary.

Mes un ne poit preſcribe encounter un Statute, ſi non que il ad auter Statute que ſerve pur luy.

Preſentment.

P*Reſentment* eſt æquivocum. Le un eſt al Eſgliſe: Coment quand aſcun home ad droit a doner aſcun Benefice Spiritual, & noſme le perſon al Eveſque a que il voet le doner, & fait un Letter al Eveſque pur luy, ceo eſt un *Preſentation* ou *Preſentment.* Si divers Coheirs ne poyent accorder en Preſentment, le Preſentee de l'eigne ſerra admitte. Mes ſi Joyntenants & Tenants en common ne accordant deins les ſize moys, le Eveſque preſentera per laps.

Le auter eſt un *Preſentment* ou Information per aſcun Jurie en un Court, devant aſcun Officer la que ad authorite de puniſher aſcun offence fait contrary al Ley.

Pretenſed Droit ou *Title.*

PRetenſed *Droit* ou *Title* eſt, lou un eſt en poſſeſſion de Terres ou Tenements, & un auter que eſt hors claime ceo, ou ſue pur ceo: Ore le *pretenſed Droit* ou *Title* eſt dit en luy que iſſint ſue ou claime. Et ſi il pluis vient a le poſſeſſion, ſon Droit ou Title eſt annexe al Terre & Poſſeſſion, & nient donque appel *Droit*.

Primer Seiſin.

PRimer *Seiſin* eſt uſe en le Common Ley pur un branch del Prerogative le Roy, pur que il ad le primer poſſeſſion, ceſtaſcavoire, les intire Profits pur un an des touts les Terres & Tenements dont ſon Tenant (que tenus de luy en chief) moruſt ſeiſie en ſon Demeſne come de Fee, ſon Heire adonque eſteant de plein age; & ceo le Roy priſt en lieu des intire Profits queux il poit prender, ſil voit, tanques Liverie ſoit ſue, ou al meins tender. *Prerog. Reg. c.* 3. *& Staundf. f.* 11. *B.* Veies le Stat. 12 *Car.* 2. *c* 24.

Priſage.

PRiſage eſt ceo part ou portion que appertein al Roy hors des tiel Merchandiſes queux ſont priſes al Mer per voy de loyal *Priſe*. Et ceſt parol vous troveres en le Statute 31 *Eliz. c.* 5.

Priſage del Vins.

PRiſage *del Vins* mention en le Stat. 1 *H.* 8. *c.* 5. eſt un cuſtome per que le Roy hors chescun Barke lade ove Vine, ſouth 40 Tun, claime d'aver deux Tun a ſon *priſe* demeſne.

Pretenſed Right or Title.

PRetenſed Right or Title is, when one is in Poſſeſſion of Lands or Tenements, and another who is out, claims it, and ſues for it; now the pretenſed Right or Title is ſaid in him who ſo doth ſue or claim. And if he afterward come to the Poſſeſſion, his Right or Title is annexed to the Land and Poſſeſſion, and not then called Right.

Primer Seiſin.

PRimer Seiſin is uſed in the Common Law for a Branch of the King's Prerogative, by which he hath the firſt Poſſeſſion, that is, the entire Profits for a Year of all the Lands and Tenements whereof his Tenant (that held of him in capite) died ſeiſed in his Demeſne as of Fee, his Heir then being at full Age: And this the King takes in Lieu of the entire Profits which he may take, if he will, until Livery be ſued, or at the leaſt tender'd. Prerog. Reg. c. 3. & Staundf. f. 11. B. See the Stat. 12 Car. 2. c. 24.

Priſage.

PRiſage is that Part or Portion that belongs to the King of ſuch Merchandizes as are taken at Sea by Way of lawful Priſe. And this Word you ſhall find in the Statute of 31 Eliz. cap. 5.

Priſage of Wines.

PRiſage of Wines, mentioned in the Stat. 1 H. 8. c. 5. is a Cuſtom by which the King out of every Bark laden with Wine under 40 Tun, claims to have two Tun at his own Price.

Priſon.

PRiſon is a Place of Reſtraint for the ſafe Keeping of a Perſon to anſwer to any Action perſonal or criminal. See the Stat. of 2 W. & M. cap. 15. 7 & 8. W. 3. cap. 12. 1 An. cap. 5.

Privy *or* Privities.

PRivy or Privities is, where a Leaſe is made to hold at will, for Years, for Life, or a Feoffment in Fee, and in divers other caſes; now becauſe of this that hath paſſed between theſe parties they are called Privies, in reſpect of Strangers, between whom no ſuch Conveyances have been.

Alſo if there be Lord and Tenant, and the Tenant holds of the Lord by certain Service, there is a Privity between them, becauſe of the Tenure: And if the Tenant be diſſeiſed by a Stranger there is no Privity between the Diſſeiſor and the Lord, but the Privity ſtill remains between the Lord and the Tenant that is diſſeiſed, and the Lord ſhall avow upon him, for that he is his Tenant in Right, and in Judgment of the Law.

Privies are in divers ſorts; as namely, Privies in Eſtate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood.

Privies in Eſtate is, where a Leaſe is made of the Manor of Dale to A. for Life, the Remainder to B. in fee; there both A. and B. are Privies in Eſtate, for their Eſtates were both made at one Time.

And ſo it is in the firſt Caſe here, where a Leaſe is made at

Priſon.

PRiſon eſt un lieu de Reſtraint pur le ſafe cuſtody de un perſon a reſponder al aſcun action perſonal ou criminal. Veies le Stat. 2 *W. & M. cap.* 15. 7 *&* 8 *W.* 3. *cap.* 12. 1 *An. cap.* 5.

Privie ou *Privities.*

PRivie ou *Privities* eſt, lou un Leaſe eſt fait a tener a volunt, pur ans, pur vie, ou un Feoffment en fee, & en diver auters caſes; ore per cauſe de ceo que ad paſſe perenter ceux parties, ils ſont appellus *Privies*, en reſpect de ſtrangers, perenter queux nul tiel conveyances ad eſtre.

Auxy ſi ſoit Seignior & Tenant, & le Tenant tient del Seignior per certaine Service, il y ad un *Privitie* perenter eux per cauſe de Tenure: & ſi le Tenant ſoit diſſeiſie per un eſtranger, il ad nul *Privitie* perenter le Diſſeiſor & le Seignior, mes le *Privitie* uncore demurt perenter le Seignior & le Tenant que eſt deſſeiſie, & le Seignior avowra ſur luy, pur ceo que il eſt ſon Tenant en droit, & en le judgment del Ley.

Privies ſont en divers ſorts; come noſment, Privies en Eſtate, Privies en Fait, Privies en Ley, Privies en Droit, & Privies en Sanke.

Privies en Eſtate eſt, lou un Leaſe eſt fait del Mannor de *Dale*, al *A.* pur vie, le Remainder al *B.* en fee; la & *A.* & *B.* ſont *Privies en Eſtate*, car lour Eſtates fueront faits ambideux al un temps.

Et iſſint eſt en le prime caſe cy ou un Leaſe eſt fait al volunt,

lunt, pur vie, ou ans, ou un Feoffment en fee, les Leſſees ou Feoffees ſont appels *Privies en Eſtate*, & iſſint ſont lour Heirs, *&c.*

Privies en Fait eſt, lou un Leaſe eſt fait pur vie, & apres per un auter Fait le Reverſion eſt grant al un Saranger en fes; ceſt grantee del Reverſion eſt appel *Privie en Fait*, pur ceo que il ad le Reverſion per Fait.

Privie en Ley eſt, lou il eſt Seignior & Tenant, le Tenant leſſa le Tenancie pur vie, & moruſt ſans Heir, & le Reverſion eſcheat al Seignior; il eſt dit *Privie en Ley*, pur ceo que il nad ſon Eſtate ſolement per le Ley, ceſt adire, per Eſcheate.

Privie en Droit eſt, lou un poſſeſſe d' un Terme pur ans granta ſon Eſtate al un auter ſur Condition, & fait ſes Executors, & moruſt; ore ceux Executors ſont *Privies en Droit* car ſi le Condition ſoit enfreint, & ils entront en le Terre, ils averont ceo en le droit de lour Teſtator, & a ſon uſe.

Privie de Sanke eſt le Heir de le Feoffor ou Donor, *&c.*

Item ſi un Fine ſoit levie, les Heires de celuy que levie le Fine ſont appel *Privies.*

Privileges.

PRivileges ſont Liberties & Franchiſes grant al un Office, Lieu, Ville, ou Manor per le grand Charter del Roy, Letters Patents, ou Act de Parliament: Come *Toll, Sake, Socke, Infangtheefe, Outfangtheef, Turne, Ordelf*, & divers tielx ſemblables; pur queux veies en lour proper Titles & leius.

Will, for Life, or Years, or a Feoffment in Fee, the Leſſees or Feoffees are called Privies in Eſtate, and ſo are their Heirs, &c.

Privies in Deed is, where a Leaſe is made for Life, and afterward by another Deed the Reverſion is granted to a Stranger in Fee; this Grantee of the Reverſion is called Privy in Deed, becauſe he hath the Reverſion by Deed.

Privy in Law is, where there is Lord and Tenant, the Tenant leaſes the Tenancy for Life, and dies without Heir, and the Reverſion eſcheats to the Lord; he is ſaid Privy in Law, becauſe he hath his Eſtate only by the Law, that is to ſay, by Eſcheat.

Privy in Right is, where one poſſeſſed of a Term for Years, grants his Eſtate to another upon Condition, and makes his Executors, and dies; now theſe Executors are Privies in Right; for if the Condition be broken, and they enter into the Land, they have it in Right of their Teſtator, and to his Uſe.

Privy of Blood is the Heir of the Feoffor or Donor, &c.

Alſo if a Fine be levied, the Heirs of them that levied the Fine are called Privies.

Privileges.

PRivileges are Liberties and Franchiſes granted to an Office, Place, Town, or Manor by the King's great Charter, Letters Patents, or Act of Parliament: As Toll, Sake, Socke, Infangtheef, Outfangtheef, Tourne, Ordelfe, and divers ſuch like; for which look in their proper Titles and Places.

Alſo

Alſo there are other Priviledges which the Law takes notice of, that is to ſay, the Priviledges of the Commons and Peers of the Parliament, and the Priviledges of Attornies and Officers of the Courts of Weſtm. that they ſhall not be ſued or impleaded in another Court, but in that where they are Attornies or Officers.

Procedendo.

PRocedendo is a Writ that lies where any Action is ſued in one Court, which is removed to another more high, as to the Chancery, King's Bench, or Common Place, by a Writ of Priviledge or Certiorari: And if the Defendant upon the Matter ſhewed, have no cauſe of Priviledge, or if the Matter in the Bill whereupon the Certiorari iſſued be not well proved, then the Plaintiff ſhall have this Procedendo, to ſend again the Matter unto the firſt baſe Court, there to be determined.

Proceſs.

PRoceſs are the Writs and Precepts that go forth upon the the Original. And in Actions real and Perſonal there are ſundry ſorts of Proceſs: For in Actions real the Proceſs is Grand Cape before Appearance: Therefore ſee of that in the Title Petit Cape.

But in Actions perſonal, as in Debt, Treſpaſs, or Detinue, the Proceſs is a Diſtreſs: And if the Sheriff return Nihil habet in Balliva, &c. then the Proceſs is Alias Capias, and Pluries and an Exigent; and they are called Capias ad reſpondendum. Alſo the Exigent ſhall be proclaimed five Times; and if the Party do

Auxi ſont auters Privileges d'ont le Ley priſt cognizance, ceſt aſcavoir, les Privileges des Commons, & Peers del Parliament, & Privileges des Attorneys & Officers des Courts a *Weſtm.* que ils ne ſerront ſue ou implead en auter Court, que en ceux ou ils ſont Attorneys ou Officers.

Procedendo.

P*Rocedendo* eſt un Brief que giſt lou aſcun Action eſt ſue en un Court, que eſt remove a un pluis hault, come al Chancerie, Banke le Roy, ou Common Banke, per Brief de Privilege ou *Certiorari*: & ſi le Defendant, ſur le matter monſtre, nad cauſe de Privilege, ou ſi le matter en le Bill ſur que le *Certiorari* iſſuiſt ne ſoit bien prove, donques le Plaintiff avera ceſt *Procedendo* pur remaunder le matter al primer baſe Court, la deſtre determine.

Proces.

P*Roces* ſont les Briefs & Precepts que iſſuont ſur le Original. Et en Actions real & perſonal ſont divers ſorts de Proces: Car en Actions real le Proces eſt *Grand Cape* devant Appearance: Ideo vide de ceo en le Title *Petit Cape.*

Mes en Actions perſonal come en Dette, Treſpaſſe, ou Detinue, le Proces eſt un Diſtreſſe; & ſi le Viſc' return *Nihil habet in Balliva*, &c. donques le Proces eſt *Alias Capias* & *Pluries*, & un *Exigent*; & ils ſont appelles *Capias ad reſpondendum.* Auxy le *Exigent* ſerra cinque foites proclaime; & ſi

le

le partie nient appeare, il ſerra utlage. Mes en divers Actions ſont divers manner de Proces, que eſt puis alarge declare en *N. B.*

Auxy ſont divers auters Proces apres Appearance, quant les parties ſont al iſſue pur faire l'Enqueſt appearer: come un *Venire facias*; & ſils ne appearont al jour, donques un Brief de *Habeas corpora Jurat'* & apres un Brief de *Diſtringas Jurat.'*

Auxy ſont divers auters Proces apres Judgment; come *Capias ad Satisfaciendum*, *Capias utlagatum*, &c.

Capias ad ſatisfaciendum giſt lou home eſt condemne en aſcun Det ou Dammages; donques il ſerra arreſt per ceſt Brief, & mis en priſon ſans Bail ou Mainpriſe, tanque il ad pay le Det & les Dammages.

Capias utlagatum giſt lou un eſt utlage, donques il ſerra priſe per tiel Brief, & mis en priſon ſans Baile ou Mainpriſe, pur ceo que il ad fait contempt encounter le Ley.

Auxy ſont auters Proces & Briefs judicials, come *Capias ad valentiam*, *Fieri facias*, *Scire facias*, & pluſors auters: & ideo vide ceo en lour Titles.

Prochein amy.

PRochein amy eſt communement priſe pur Gardian en Soccage, & eſt lou un home ſeiſie de Terres tenus en Soccage moruſt, ſon iſſue deins age de 14 ans, donques le prochein de Sank, a que les Terres ne poient diſcender, avera le gard del Heire, & del Terre al uſe ſolement del Heire tanque il vient al age de

not appear, he ſhall be outlawed. But in divers Actions there are divers manners of Proces, which at large is declared in N. B.

And there are divers other Proces after Appearance, when the Parties are at Iſſue, to make the Enqueſt appear: As a Writ of Venire facias; and if they do not appear at the Day, then a Writ of Habeas Corpora Jurat' and after a Writ of Diſtringas Jurat'.

And there are divers other Proces after Judgment; as Capias ad ſatisfaciendum, and capias utlagatum, &c.

Capias ad ſatisfaciendum lies where a Man is condemned in any Debt or Damages, then he ſhall be arreſted by this Writ, and put in Priſon without Bail or Mainprize, till he hath paid the Debt and the Damages.

Capias utlagatum lies where one is outlawed, then he ſhall be taken by this Writ, and put in Priſon without Bail or Mainprize, for that he had the Law in Contempt.

And there are other Proces and Writs Judicial, as Capias ad valentiam, Fieri facias, Scire facias, and many other: And therefore look for them in their Titles.

Next Friend.

NExt Friend is commonly taken for Guardian in Soccage, and is where a Man ſeiſed of Land holden in Soccage dies, his Iſſue within Age of 14 years, then the next Friend, or next of kin, to whom the Lands cannot deſcend, ſhall have the Keeping of the Heir, and of the Land, to the only Uſe of the Heir untill he come to the Age

of 14 years; and then he may enter, and put the Guardian out, and bring him to accompt: But in that Accompt he shall be allowed for all reasonable Costs and Expences bestowed either upon the Heir or his Land.

The next Friend, or next of kin, to whom the Inheritance cannot descend, is thus to be understood: If the Lands descend to the Heir from his Father, or any of the Kin of his Father's side, then the Mother, or other of the Mother's side, are called the next of kin, to whom the Inheritance cannot descend; for before it shall so descend, it shall rather eschat to the Lord of whom it is holden.

And where the Lands come to the Heir from his Mother, or any of her side, then the Father, or other of the Father's side, are called the nert of kin, to whom the Inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Prochein amy is he who appears in any Court for an Infant who sues any Action, and aids the Infant to pursue his Suit: Whereof see the Statutes of Westm. 1. cap. 47. and Westm. 2. cap. 15. that an Infant may not make an Attorney, but the Court may admit the next Friend for the Plaintiff, and a Guardian for the Infant Defendant as his Attorney.

14 ans; & donques le Heire poit enter, & luy ouste, & amesner luy de accounter; Mes en ceest Accompt il avera allowance pur touts reasonable costs & expences bestow ou sur le Heire ou son Terre.

Le Prochein amy, ou prochein de sanke, a que le inheritance ne poit discend, est issint destre entende: Si les Terres discenda al Heire de son Pere ou ascun del sanke del part son Pere, donques le Mere, ou auter del part le Mere, sont appelle prochein de sanke, a que le Inheritance ne poit discender; car devant que il issint discendra, il pluis tost escheatera al Seignior de que il est tenus.

Et lou les Terres vient al Heire de sa Mere, ou ascun del sa part; donque le Pere, ou auter del part son Pere, sont appelle le prochein de sanke, a que le Inheritance ne poit discend, mes pluis tost escheatera al Seignior de que il est tenus.

Auterment *Prochein Amy* est celuy que appiert en ascun Court pur un Enfant que sue ascun Action, & que ayde le Enfant de pursuer son Suit; dont vide les Statutes de *Westm. 1. c. 47. & Westm. 2. cap. 15.* que un Enfant ne poit faire Attourney, mes le Court poit admitter le prochein amy pur le Plaintiff, & lun Gardian pur le Enfant Defendant come son Attorney.

Proclamation.

PRoclamation, is Notice publickly given of any thing whereof the King thinks good to advertise his Subjects: So it is Anno 7. R. 2. c. 6.

Proclamation

Proclamation est un Notice appertment done de ascun chose de que le Roy soi pleirot de advertiser ses Subjects; issint il est *An.* 7. *R.* 2. *c.* 6.

Proclamation

Proclamation de Rebellion eſt un overt notice done per le Officer que un home nient apparent ſur un *Subpœna* ou attachment en le Chancery, ſerra repute deſtre un Rebel, ſi non que il luy meſme render al jour aſſigne. *Crompt. Juriſd. fol.* 92.

Et eſt deſtre obſerve, que nul poit faire Proclamation mes per authoritie del Roy, ou Majors & hujuſmodi que ont privileges en Cities ou Boroughs de ceo faire, ou ont ceo uſe per cuſtome. Et pur ceo ou un Executor fiſt *Proclamation* en certain Market-villes, que les Creditors veignera, per certain jour, & claim & provera lour dets due per le Teſtator, & pur ceo que il ceo fiſt ſans authority, il fuit commit al Fleet, & miſe a un Fine. *Brooke Proclamation* 10.

Proclamation of Rebellion, is an open notice given by the Officer, that a Man not appearing upon a Subpœna or Attachment in the Chancery, ſhall be reputed a Rebel, except he render himſelf at the Day aſſigned. Crompt. Juriſdict. fol. 92.

And it is to be noted, that no Man may make Proclamation but by authority of the King, or Mayors, and ſuch like as have Privileges in Cities and Boroughs ſo to do, or have it by Cuſtom. And therefore where an Executor made Proclamations in certain Market-towns, that the Creditors ſhould come by a certain day, and claim and prove their Debts due by the Teſtator; and becauſe he did this without Authority, he was committed to the Fleet, and fined. Brook Proclamation. 10.

Pro confeſſo.

PRO *confeſſo* eſt lou un Bill eſt exhibit en le Chancery a que le Defendant appear, & eſt en contempt pur nient reſponder, ou fait inſufficient reſpons, le matter en le Bill contenus ſerra priſe come ſi fuit confeſs per le Defendant.

Pro confeſſo.

PRO confeſſo is where a Bill is exhibited in the Chancery, to which the Defendant appears, and is in Contempt for not anſwering, or makes an inſufficient Anſwer, the matter contained in the Bill ſhall be taken as if it were confeſſed by the Defendant.

Profer.

PRofer i. e. producere, eſt le temps appoint pur Accounts des Viſcounts & auters Officers del Exchequer, que eſt deux foits en le an. *Stat.* 21 *H.* 3. *c.* 5. *Reg. Orig.* 139.

Profer.

PRofer, i. e. producere, is the Time ſet for Accounts of Sheriffs and other Officers of the Exchequer, which is twice a Year. Stat. 21 H. 3. c. 5. Reg. Orig. 139.

Procurator.

PRocurator eſt uſe pur luy que collige les Fruits de un Benefice pur un auter home. *Anno* 3 *Rich.* 2. *Stat.* 1. *cap.* 2.

Procurator.

PRocurator is uſed for him that gathers the Fruits of a Benefice for another Man. Ann. 3 Ric. 2. Stat. 1. cap. 2.

Prohibitio

Prohibition.

PRohibition is a Writ that lies where a Man is impleaded in the Spiritual Court of a Thing that touches not Matrimony, nor Teſtament, nor meerly Tithes, but the King's Crown. This Writ ſhall be directed as well to the Party, as to the Judge or his Official, to prohibit them that they purſue no farther. But if it appear afterward to the Judges temporal, that the Matter is fit to be determined in the Spiritual Court, and not in the Court Temporal, then the Party ſhall have a Writ of Conſultation, commanding the Judges of the Court Spiritual to proceed in the firſt Plea.

Alſo there are many other Prohibitions, as to the Admiralty, and to other Courts of Common Law if they exceed their Power.

Property.

PRoperty is the higheſt Right that a Man hath or can have to any thing, which no way depends upon another Man's Courteſie: And this none in this Kingdom can be ſaid to have in any Lands or Tenements, but only the King in Right of his Crown, becauſe all the Lands through the Realm are in nature of Fee, and hold mediately or immediately of the Crown. This Word nevertheleſs is uſed for ſuch Right in Lands and Tenements as common Perſons have in the ſame. And there are three manner of Rights of Property; that is Property abſolute, Property qualified, and Property

Prohibition.

P*Rrohibition* eſt un Brief que giſt lou home eſt emplede en Court Chriſtian de choſe que ne touch Matrimonie, ne Teſtament, ne merement Diſmes, mes le Corone noſtre Seignior le Roy. Ceſt Brief ſerra direct auxy bien al partie come al Judge, ou ſon Official, de eux prohibite que ils ne purſue ouſter. Mes ſi il appeare apres a les Judges temporal, que le matter eſt deſtre determine en le Spiritual Court, & nemy en le Court Temporal. donque le party avera un Brief de *Conſultation*, commandant les Judges de le Court Spiritual de proceeder en la primer Plee.

Auxi ſont mults auters prohibitions, ſicome al Admiralty, & al aſcun Court de Common ley s'ils exceed lour poiar.

Property.

P*Roperty* eſt le pluis halt Droit que home ait ou poit aver al aſcun choſe, que riens depend ſur le courteſie daſcun auter home: Et ceo nulluy en ceſt Realm poit eſtre dit daver en aſcun Terres ou Tenements, forſque ſolement le Roy en le droit de ſon Corone, pur ceo que touts les Terres per le Realm ſont en le nature de Fee, & tiendront mediatement ou immediatement del Corone. Ceſt parol nientobſtant eſt uſe pur tiel droit en Terres & Tenements que common perſons ont en le meſme. Et ſont trois manners de droits de Property; ceſtaſcavoire, *Property abſolute*, *Property*

Perty qualified, & *Property poſſeſſory*: De queux veies a large. *Coke l. 7. Caſe de Sawns, fol.* 17.

Proprietary.

PRoprietary eſt celuy que ad un Property en aſcun choſe; mes il eſt pluis communement uſe per luy que ad les Profits dun Benefice a luy & ſes Heires, ou a luy meſme & ſes Succeſſors, come en temps par devant Abbots & Priors avoient.

Protection.

PRotection eſt un Brief que giſt lou home voit paſſer ouſter le mer in le ſervice le Roy, donques il avera ceſt Brief, & per ceſt Brief il ſerra quite de touts manner des Pleas enter luy & aſcun auter perſon, except Plees de *Dower*, *Quare impedit*, *Aſſiſe de Novel diſſeiſin*, *Ultimæ præſentationis*, & *Attaints*, & Plees devant Juſtices en Eyre. Mes ſont deux Briefs de *Protection*; un *cum clauſula Volumus*, & la uter *cum clauſula Nolumus*. come appiert en le *Regiſter*.

Mes Protection ne ſerra allow en aſcun Plee commence devant le date de ceo, ſi ne ſoit en Voyages ou le Roy meſme paſſa, ou auters Voyages royals, ou en Meſſages le Roy pur beſoignes de Realme. Protection ne ſerra allow pur Vitailes achates pur voyage dont le Protection fait mention, ne in Plees de Trepaſſe, ou de Contracts fait puis le date de meſme le Protection.

Nota que aſcun poit attacher ou commencer aſcun Action real vers ceſtuy que ayt tiel Protection, & en ceo proceeder tanque le Defendant

Proprietary.

PRoprietary is he that hath Property in any thing is moſt commonly uſed for him who hath the Profits of a Benefice to him and his Heirs, to himſelf and his Succeſſors as in times paſt Abbots and Priors had.

Protection.

PRotection is a Writ that lies where a Man will paſs over the Sea in the King's Service then he ſhall have this Writ whereby he ſhall be quit of all manner of Pleas between him and any other perſon, except Pleas of Dower, Quare impedit, Assize of Novel diſſeiſin, Darrein preſentment and Attaints, and Pleas before Juſtices in Eyre. There are two Writs of Protection, one cum clauſula Volumus and another cum clauſula Nolumus, as appears in the Regiſter.

But a Protection ſhall not be allowed in any Plea begun before the Date of it, if it be not in Voyages where the King himſelf ſhall paſs, or other Voyages Royal, or in Meſſages of the King for affairs of the Realm. Nor ſhall a Protection be allowed for Victuals bought for the Voyage whereof the Protection makes Mention, nor in Pleas of Trespaſs, or of Contracts made after the Date of the Protection.

Note, that any may attach by bring any Action real againſt him that hath ſuch Protection, and therein proceed, until the Defendant comes and ſhews his Pro-

tection in the Court, and hath it allowed; and then his Plea or Suit shall go without Day. But if after it appears that the Party who hath the Protection goes not about the Affairs for which he hath it, then the Demandant shall have a Repeal thereof. And if he go and return after the Business ended, the Demandant shall have a Resummons to recontinue the former Suit.

Protestation.

PRotestation is a Form of Pleading, when any one will not directly affirm, nor directly deny any Thing that is alledged by another, or which he himself alledges. And it is in two Sorts. One is, when one pleads any Thing which he dares not directly affirm, or cannot plead, for Doubt to make his Plea double: As if in conveying to himself a Title to any Land, he ought to plead divers Discents by divers Persons, and he dares not affirm that all they were seised at the Time of their Death, or altho' he could do it, it shall be double to plead two Discents; of both which each by itself may be a good Bar. Then the Defendant ought to plead and alledge the Matter, interlacing this Word protestando, as to say, that such a one died (by Protestation) seised, &c. And that is to be alledged by Protestation, and not to be traversed by the other. Another Protestation is, when one is to answer to two Matters, and yet by the Law he ought to plead but to one; then in the first Part of the Plea he shall say to the one Matter, protestando, and non cognoscendo this Matter to be true, and

veigne & monstre son protection en le Court, & ayt ceo allow, donque son plee ou Suit serra mis sans jour. Mes si apres il appiert que le party que ad le protection ne ala entour le besoigne pur que il ayt ceo, donques le Demandant avera un Repeal de ceo. Et sil va, & return apres le besoigne finie, le Demandant avera un Resummons de recontinue le former Suit.

Protestation.

PRotestation est un forme de Pleading quand ascun ne voile directment affirmer, ne directment denier ascun chose quel est alledge per auter, ou que il mesme alledge Et est en deux manners. Le un est, quand un pleade ascun chose que il ne ofast directment affirmer, ou ne poit pleader pur doubt de faire son Plee double. Come si en conveying a luy Title a ascun Terre, il doit pleader divers Discents per divers persons, & il nosast affirmer que eux touts fueront seisies al temps de lour mort, ou coment il ceo purroit, ceo serra double a plead deux Discents; de queux ambideux chescun per luy poit estre bone Barre. Donques le Defendant doit pleader & alledger le matter, enterlacing cest parol *protestando*, come adire, que tiel obiit (*protestando*) seisie, &c. Et ceo est destre alledge per Protestation, & nemy traversable per l'auter. Auter Protestation est, quand un est de responder al deux choses, & tamen per le Ley il doit plead forsque al un, donques en le primer part del Plee il dirra al un matter, *protestando*, & *non*

cognoscendo cel matter estre voyer, & faire son Plee ouster per ceux parols, *Sed pro placito dicit, &c.* Et ceo est pur salvation al partie (que issint plead per Protestation) destre conclude per ascun matter alledge ou object encounter luy, sur que il ne poit joyner issue; & nest auter chose mes un exclusion del Conclusion; car il que prist Protestation exclude le auter partie de concluder luy. Et cest Protestation doit estoyer ove le sequel del Plee, & nemy destre repugnant, ou auterment contrarie.

makes his Plea farther by these Words, Sed pro placito dicit, &c. And this is for saving to the Party (that so pleads by Protestation) the being concluded by any Matter alledged or objected against him, upon which he cannot join Issue; and is no other but an Exclusion of the Conclusion; for he that takes the Protestation excludes the other Party to conclude him. And the Protestation ought to stand with the Sequel of the Plea, and not to be repugnant, or otherwise contrary.

Provendry.

PRovendry en le esglise de *Sarum* est appel minor pars Altaris in ecclesia beatæ *Mariæ Sarum*, 41 E. 3. 5. b.

Provendry.

PRovendry in the Church of Sarum is called the lesser Part of the Altar in the Church of St. Mary, 41 E. 3. 5. b.

Provision

PRovision est use ovesque nous come est en le Cannon Ley, pur le provider d'un Evesque ou auter Ecclesiastical person d'un Ecclesiastical Benefice per le Pape devant que le incumbent de ceo soit mort; le grand abuse dont appiert per pluseurs Statutes que ont este faits en touts ages del temps *E* 3. tanque le reigne *H* 8. per le avoid des tiels Provisions. *Ra. Entr. Quare impedit* 17. 20.

Provision.

PRovision is used with us as it is in the Common Law, for providing of a Bishop or other Ecclesiastical Person of an Ecclesiastical Living by the Pope before the Incumbent of it be dead; the great Abuse whereof appears by several Statutes that have been made from the Time of E. 3. to the Reign of H 8. for the avoiding of such Provisions. Rast. Entries Quare impedit 17. 20.

Proviso

PRoviso est un Condition ensert en ascun Fait, sur le performance de que tout le vigeur del Fait consista. Ascun foits il solement est un Covenant de que veies *Cok. lib* 2. en le Seignior *Cromwell's Case*. Il ad auxy un auter significatiō en choses judicial: Come si le Plaintiff ou demandant de laya

Proviso.

PRoviso is a Condition inserted in any Deed, upon the Performance whereof the Validity of the Deed consists. Sometimes it is only a Covenant, whereof see Coke lib. 2. in the Lord Cromwell's Case. It hath also another Signification in Matters judicial: As if the Plaintiff or Demandant desists from

from proſecuting an Action, and brings it not to Trial, then the Defendant or Tenant may take forth the Venire facias to the Sheriff, which hath in it theſe Words, Proviſo quod, &c. to this End, that if the Plaintiff takes out any Writ to this Purpoſe, the Sheriff ſhall ſummon but one Jury upon them both. See Old Natura Brevium in the Writ Niſi prius, fol. 159.

Proviſors.

PRoviſors. See Præmunire.

Proxy. Procuratio.

PRoxy. Procuratio is a Payment to a Biſhop by a Religious Houſe, for the Charges of his Viſitation of ſuch Houſes. Davies rep. 2.

Purchaſe.

PUrchaſe is the Poſſeſſion that a Man hath in Lands or Tenements by his own Act, Means, or Agreement, and not by Title of Diſcent from any of his Anceſtors. See Litt. l. 1. c. 1.

Purlieu.

PUrlieu is all that Ground near any Foreſt, which being made Foreſt by Henry the ſecond, Richard the firſt, or King John, was by Perambulations granted by Henry the third ſevered again from the ſame. Manwood, part 2. of his Foreſt Laws, c. 20. And it ſeems that this Word is compoſed either of pouralle, that is, to go or walk about; or purelieu, that is, a pure Place, becauſe ſuch Lands as were by thoſe Kings ſubjected to the Laws and Ordinances

de proſecuter un Action, & ne ceo port al Trial, donque le Defendant ou Tenant poit prender hors le *Venire facias* al Viſcount, que ad en ceo ceux parols, *Proviſo quod, &c.* a ceſt fine, que ſi le Plaintiff priſt hors aſcun Brief a cel purpoſe, le Viſcount ne garnera forſque un Jurie ſur eux ambideux. Veies *Vet. Nat. Br.* en le Brief *Niſi prius, fol.* 159.

Proviſors.

P*Roviſors.* Veies *Præmunire.*

Proxy. Procuratio.

P*Roxy. Procuratio* eſt un payment al Eveſque per un Religious meaſon pur les charges de ſon viſitation de tiels meaſons, *Davies rep.* 2.

Purchaſe.

P*Urchaſe* eſt le Poſſeſſion que un home ad en Terres ou Tenements per ſon act demeſne, means, ou agreement, & nemy per title de Diſcent de aſcun de ſes anceſtors. Veies *Litt. l.* 1. *c.* 1.

Purlieu.

P*Urlieu* eſt tout ceſt Terre prochein aſcun Forreſt, que eſteant fait Forreſt per *Henry* le ſecond, *Richard* le primer, ou *Joan* le Roy, fuiſt per Perambulations grantus per *Henry* le tierce ſevere arrere del meſme, *Manwood, part* 2. de ſes *Forreſt Leys, c.* 20. Et ſemble que ceſt parol eſt fait ou de *pourelle*, ceo eſt, *perambulare*, ou *purelieu*, ceo eſt, *purus locus*, pur ceo que tiels Terres queux fueront per ceux Roys ſubject al Leys & Ordinances del For-

reſt, ſont jammes clere & franke del meſme: Come les Civilians appel ceo *purum locum, qui Sepulchrorum religioni non eſt obſtrictus*; en meſme le manner ceo puit eſtre appel *pure lieu*, pur ceo que eſt exempt del ſervitude ou thraldom que fuiſt par devant ſur ceo impoſe.

Purlieu home eſt ceſtuy que ad Terres deins le Purlieu, & eſteant able a diſpender 40 ſoulz per l'an de Franke-tenement, eſt ſur ceux deux choſes licence de chaſer en ſon Purlieu demeſne. *Manwood, part* 1. *p.* 151. & 177. Veies le Statute 1 *Jac. c.* 27.

Purpreſture.

PUrpreſture eſt un parol derive de *Francois Pourpris*, que ſignifie de prender del auter, & pur appropriate a luy meſme, & pur ceo un Purpreſture en un general ſenſe eſt priſe pur aſcun tiel tort fait per un home al auter.

Purpreſture en un Forreſt eſt cheſcun Encrochment ſur le Forreſt le Roy, ſoit ceo per Edifier, Incloſer ou per uſer de aſcun libertie ou privilege ſans un loyal garrant iſſint faire. Et de ceo veies *Manw. Forreſt Leys, c.* 10. *f.* 74. *a.*

Purveyors.

PUrveyors fueront auncient Officers a provider Victuals pur le Roy. Quel Office eſt mention en Stat. 28 *Edw.* 1. *cap.* 2. & 36 *Ed.* 4. *cap.* 6. & 14 *E.* 3. *cap.* 19. Mes eſt aboly per Stat. 12 *Car.* 2. *c.* 24.

of the Forreſt, are now cleared and freed from the ſame: As the Civilians call that a pure Place, which is not ſubject unto Burials; ſo likewiſe this may be called a pure Place, becauſe it is exempted from the Servitude and Thraldom which was formerly laid upon it.

Purlieu Man is he that hath Lands within the Purlieu, and being able to diſpend forty Shillings by the Year of Free-hold, is upon theſe two Points licenſed to hunt in his own Purlieu. Manwood, part 1. p. 151. & 177. See now the Statute made, 1 Jac. c. 27.

Purpreſture.

PUrpreſture is a Word derived from the French Pourpris, which ſignifies to take from another, and to appropriate to himſelf: And therefore a Purpreſture in a general Senſe is taken for any ſuch Wrong done by one Man to another.

Purpreſture in a Forreſt is every Incroachment upon the King's Forreſt, be it by Building, Incloſing, or Uſing of any Liberty without a lawful Warrant ſo to do. And of this ſee Manwod in his Foreſt Laws, c. 10. f. 74. a.

Purveyors.

PUrveyors were ancient Officers to provide Victuals for the King, which Office is mentioned in the Statutes, 28 E. 1. cap. 2. & 36 E. 4. cap. 6. & 14 E. 3. cap 19. But it is aboliſhed by the Statute, 12 Car. 2. cap. 24.

Q.

Quadrantata terræ.

QUadrantata terræ is the Fourth Part of an Acre.

Quæ plura.

QUæ plura is a Writ that lies in Caſe where the Eſcheator hath found an Office after the Death of the King's Tenant virtute officii, and hath not found all the Lands of which he died ſeiſed; then this Writ ſhall iſſue in Nature of a Melius inquirendo, to find what Lands he had more. See F. N. B. f. 255. a.

Quale jus.

QUale jus is a Writ that lies where an Abbot, Prior, or ſuch other, ſhould have Judgment to recover Land by Default of the Tenant againſt whom the Land is demanded; then before Judgment given, or Execution awarded, this Writ ſhall go forth to the Eſcheator, to enquire what Right he hath to recover: And if it be found that he hath not Right, then the Lord who ſhould have the Land if the Tenant had alienedin Mortmain, may enter as into Land alienedin Mortmain; for this loſing by Default is like an Alienation. See the Stat. Weſtm. 2. c. 32.

But where one will give Lands to a Houſe of Religion, an Ad quod damnum ſhall go forth to the Eſcheator to enquire

Q.

Quadrantata terræ.

Quadrantata terræ eſt le quarte parte de un Acre.

Quæ plura.

Quæ plura eſt un Brief que giſt en caſe lou le Eſcheator ad trove un Office *virtute officii* apres le mort le Tenant le Roy, & nad trove touts les Terres des queux il moruſt ſeiſie, adonques ceſt Brief iſſera en nature de un *Melius inquirendo*, pur trover queux Terres il avoit *pluſors*. Veies *F. N. B.* 255. *a*.

Quale jus.

Quale jus eſt un Brief que giſt lou aſcun Abbot, Prior, ou tiels auters, averont Judgment de recover Terre per le Default del Tenant vers que le Terre eſt demaunde; donque devant judgment done, ou Execution agard, ceſt Brief iſſera al Eſcheator, pur enquirer quel droit il ad a recover: Et ſi ſoit trove que il nad droit, donques le Seignior que duiſt aver le Terre le Tenant, ſil alien en Mortmaine poit enter come en Terre alien en Mortmaine, car cel perder per Default eſt ſemble a un Alienation. Vide le Statute de *Weſtm.* 2. *c.* 32.

Mes lou un voile doner Terres al Meaſon de Religion, un *Ad quod damnum* iſſera al Eſcheator, pur enquirer de que

value le Terre eſt, & quel prejudice il ſerra al Roy.

of what Value the Land is, and what Prejudice it ſhall be to the King.

Quare ejecit infra terminum.

QUare ejecit infra terminum eſt un Brief que giſt lou un fait Leaſe a un auter pur terme d'ans, & le Leſſor enfeoffa un auter, & le Feoffee ouſta le Termour; donques le Termour avera ceſt Brief vers le Feoffee. Mes ſi un auter eſtranger ouſte le Termour, donques il avera Brief *De ejectione firmæ* vers luy. Et en ceux deux Briefs il recovera le terme & ſes dammages.

Quare ejecit infra terminum.

QUare ejecit infra terminum is a Writ that lies where one makes a Leaſe to another for Term of Years, and the Leſſor infeoffs another, and the Feoffee puts out the Termor; then the Termor ſhall have this Writ againſt the Feoffee. But if another Stranger put out the Termor, then he ſhall have a Writ De ejectione firmæ againſt him. And in theſe two Writs he ſhall recover the Term and his Damages.

Quare impedit.

QUare impedit eſt un Brief que giſt lou jeo ay Advowſon, & le Parſon devie, & un auter preſent ſon Clerk, ou diſturbe de preſenter; donques jeo avera le dit Brief. Mes *Aſſiſe de darrein preſentment* giſt lou jeo ou mon anceſtors ount preſent devant. Et lou home poit aver *Aſſiſe de darrein preſentment*, il poit aver un *Quare impedit*, mes ne my contrarie.

Auxy ſi le Plee ſoit dependant enter deux parties, & ne ſoit diſcuſſe deins ſize moys, le Eveſque preſentera per laps, & ceſtuy que ad droit de preſenter recovera dammages, come appiert per le Statute de *Weſtm.* 2. *c.* 5. Et ſi ceſtuy que ad droit de preſenter apres le mort del Parſon ne porta *Quare impedit*, ne *Darreine preſentment*, mes ſuffer un eſtranger de uſurper ſur luy, uncore il avera un Brief de

Quare impedit.

QUare impedit is a Writ that lies where I have an Advowſon, and the Parſon dies, and another preſents a Clerk, or diſturbs me to preſent; then I ſhall have the ſaid Writ. But Aſſiſe de darrein Preſentment lies where I or my Anceſtors have preſented before. And where a Man may have an Aſſiſe de darrein Preſentment, he may have a Quare impedit, but not contrariwiſe.

Alſo if the Plea be depending between two Parties, and be not diſcuſſed within ſix Months, the Biſhop may preſent by Lapſe, and he that hath Right to preſent ſhall recover his Damages, as appears by the Statute of Weſt. 2. c. 5. And if he that hath Right to preſent after the Death of the Parſon brings no Quare impedit, nor Darrein Preſentment, but ſuffers a Stranger to uſurp upon him, yet he ſhall have a Writ of Right

of

of Advowſon: But this Writ lies not, unleſs he claim to have the Advowſon to him and his Heirs in Fee.

Quare incumbravit.

Quare incumbravit is a Writ that lies where two are in Plea for the Advowſon, and the Biſhop admits the Clerk of one of them within the ſix Months; then he ſhall have this Writ againſt the Biſhop. But this Writ lies always depending the Plea.

Quare intruſit Matrimonio non ſatisfacto.

Quare intruſit Matrimonio non ſatisfacto, is a Writ that lies where the Lord profers convenable Marriage to his Ward, and he refuſes, and enters into the Land, and marries himſelf to another; then the Lord ſhall have this Writ againſt him.

Quare non admiſit.

Quare non admiſit is a Writ that lies where a Man hath recovered an Advowſon, and ſends his convenable Clerk to the Biſhop to be admitted, and the Biſhop will not receive him; then he ſhall have the ſaid Writ againſt the Biſhop. But a Writ of Ne admittas lies where two are in Plea; if the Plaintiff ſuppoſe the Biſhop will admit the Clerk of the Defendant, then he may have this Writ to the Biſhop, commanding him not to admit him hanging the Plea.

Quare non permittit.

Quare non permittit is a Writ which lies for one who hath

Droit de Advowſon. Mes ceſt Brief ne giſt ſi il ne claime de aver le Advowſon a luy & ſes heirs en Fee.

Quare incumbravit.

Quare incumbravit eſt un Brief que giſt lou deux ſont en Plee pur le Advowſon, & l'Eveſque admit le Clerk d'un deux deins le ſize moys; donques il avera ceo Brief vers le Eveſque. Mes ceo Brief giſt touts foits pendant le Plee.

Quare intruſit Matrimonio non ſatisfacto.

Quare intruſit Matrimonio non ſatisfacto eſt un Brief que giſt lou le Seigniot profera convenable Marriage a ſon Garde, & il refuſa, & entra en le Terre, & ſoy marry a un auter; donques le Seignior avera ceſt Brief vers luy.

Quare non admiſit.

Quare non admiſit eſt un Brief que giſt lou home ad recover un Advowſon, & il manda ſon convenable Clerke al Eveſque pur eſtre admit, & le Eveſque ne voile luy receiver; donques il avera le dit Brief vers le Eveſque. Mes Brief de *Ne admittas* giſt lou deux ſont en Plee; ſi le Plaintiff ſuppoſe que le Eveſque voit admit le Clerk le Defendant, donques il poit aver ceſt Brief al Eveſque, luy commandant que il ne luy admitte pendant le Plee.

Quare non permittit.

Quare non permittit eſt un Brief que giſt pur luy que

avoit droit a preſenter pur un Turn vers le Proprietor.

Quare obſtruxit.

Quare obſtruxit eſt un Brief que giſt pur un home que avoit liberty de paſſer trans le terre de ſon vicine, & ne poet ceo enjoyer, pur ceo que il avoit ceo fortifie.

Quarrels.

Quarrels eſt derive a *Querendo*, & extend non ſolement al Actions cybien real come perſonal, mes auxy al Cauſes de Actions & Suits: iſſint que pur Releaſe des touts Quarrels, non ſolement Actions dependant en Suit, mes Cauſes de Action & Suit auxy ſont releaſe; & Quarrels, Controverſies & Debates ſont Synonyma, & de un meſme ſignification. *Coke, lib. 8. fol.* 153.

Quarentine.

Quarentine eſt lou home devie ſeiſie de un Mannor-place, & de auters Terres dont ſa Feme doit eſtre endow, donques la feme tiendra ſe en le Mannor-place, & la vive de le ſtore & profits de ceo per *quarant jours*, deins quel temps ſa Dower ſerra a luy aſſigne: come appiert en *Magna Charta, cap. 6.*

Quaſh.

Quaſh, i. e. *Caſſum facere*, de averter ou annuller, *Bract. lib.* 5. *Tract.* 2. *cap.* 3. *num.* 4. Come ſi le Bailiff de un Liberty return aſcun hors de ſon Franchiſe, le Array ſerra quaſh. Iſſint un Array retutn per un que avoit nul Franchiſe, 1 *Inſt.* 156.

Right to preſent for a Turn againſt the Proprietor.

Quare obſtruxit.

Quare obſtruxit is a Writ that lies for a Man that hath Liberty to go through his Neighbour's Ground, and cannot enjoy it, becauſe he hath ſo ſtrengthned it.

Quarrels.

Quarrels is derived from Querendo, and extends not only to Actions as well real as perſonal, but alſo to the Cauſes of Actions and Suits; ſo that by the Releaſe of all Quarrels, not only Actions depending in Suit; but Cauſes of Action and Suit alſo are releaſed; and Quarrels, Controverſies and Debates are Words of one Senſe and of one and the ſame Signification, Coke lib. 8. fol. 153.

Quarrentine.

Quarentine is, where a Man dies ſeiſed of a Manor-place and other Lands, whereof the Wife ought to be endowed; then the Woman may abide in the Manor-place, and there live of the Store and Profits thereof the Space of forty Days, within which time her Dower ſhall be aſſigned: As it appears in Magna Charta cap. 6.

Quaſh.

Quaſh, i. e. caſſum facere, to overthrow or annul, Bract lib. 5. Tract. 2. cap. 3. num. 4. If if the Bailiff of a Liberty return any out of his Franchiſe, this Array ſhall be quaſh'd: So an Array returned by one who hath no Franchiſe, 1 Inſt. 156.

Qu

Que eſtate.

QUE eſtate is a Term in pleading to avoid Prolixity; as if a Man pleads a Feoffment in Fee to A. cujus quidem A. ſtatum idem B. modo habet, and no one can plead it but Tenant of the Fee; nor can it be pleaded of things which paſs meerly by Grant; as Advowſons, Franchiſes, &c.

Quem redditum reddit.

QUem redditum redit is a Writ Judicial, which lies for him to whom a Rent-ſeck, or Rent-charge is granted by Fine levyed in the King's Court againſt the Tenant of the Land who refuſeth to attorn, hereby compelling him to attorn, Vet. N. B. 126.]

Quid juris clamat.

QUid juris clamat, is a Writ that lies where I grant the Reverſion of my Tenant for Life by Fine in the King's Court, and the Tenant will not attorn; then the Grantee ſhall have this Writ to compel him. But a Writ of Quem redditum reddit lies where I grant by Fine a Rent-charge, or another Rent which is not Rent-Service, which my Tenant holds of me, and the Tenant will not attorn; then the Grantee ſhall have this Writ. And a Writ of Per quæ ſervitia lies in like caſe for Rent-Service.

Alſo if I grant four divers Rents to one Man, and the Tenant of the Land attorns to the Grantee by Payment of a Penny, or of a Half-Penny, in the Name of Attornment of all

Que eſtate.

QUE eſtate eſt un Terme en pleading pur avoider prolixity, ſi come un plead un feoffment en fee al *A. cujus quidem A. ſtatum idem B. modo habet*, & nul poet ceo plead forſque Tenant del fee, nec poit eſtre plead de choſes queux paſſont merement per grant, come Advowſons ou Franchiſes, *&c.*

Quem redditum reddit.

QUem redditum reddit eſt un Brief Judicial que giſt pur luy a que un Rent-ſeck ou Rent-charge is grant per Fine levy en le Court le Roy vers le Tenant del Terre qui refuſe de attorner, per ceo forceant luy de attorner. *Vet. N. B.* 126.

Quid juris clamat.

QUid juris clamat eſt un Brief que giſt lou jeo graunt le Reverſion de mon Tenant a terme de vie per Fine en Court le Roy, & le Tenant ne voit attorner; donques le Grantee avera ceſt Brief pur luy chaſer. Mes Brief de *Quem redditum reddit* giſt lou jeo grant per Fine un Rent-charge, ou auter Rent que neſt Rent ſervice, quel mon Tenant tient de moy, & le Tenant ne voit attorner; donques le Grantee avera ceſt Brief. Et Brief de *Per quæ ſervitia* giſt en ſemble caſe pur Rent ſervice.

Auxy ſi jeo graunt iv. divers Rents a un home, & le Tenanr de Terre attourna al Grauntee per payment de un denier, ou un maile, en noſme de Attournment de touts

ceux

ceux Rents; ceſt Attournment luy mittera en ſeiſin de tout ceſt Rent. Mes ceux trois Briefs covient eſtre port vers eux que ſont Tenants al jour del Fine levie, & vers nul auters.

the Rents; this Attornment ſhall put him in Seiſin of all the Rent. But theſe three Writs ought to be brought againſt thoſe who are Tenants at the Day of the Fine levied, and not againſt no other.

Quinziſme.

Quiziſme eſt un Payment grant en Parliament al Roy per les Layes gents, ceſtaſcavoir, le *quinziſme* part de lour Biens: Et fuit uſe en ancient temps deſtre levie ſur lour avers, eſteants en lour terres, que choſe fuit mult troublous; & pur ceo a ore pur le pluis part ceſt voy eſt alter, & ils uſe de levie ceo per le Verge ou Acre, ou auter meaſure de Terre; per reaſon de que il eſt a ore meins troublous & pluis certain que devant, & cheſcun Ville & Pays ſcient quel ſumme eſt deſtre pay perenter eux, & comment ceo ſerra raiſe. Nous legimus que *Moſes* fuit le primer que number le people, car il number les *Iſraelites*; & pur ceo le primer Tax, Subſidie, Tribute, ou Quinziſme, fuit invent per luy enrer les *Hebrews*, come *Polydore Virgil* ſuppoſe.

Fifteenth.

Fifteenth is a Payment granted in Parliament to the King by the Temporalty, namely, the Fifteenth part of their Goods. And it was uſed in antient time to be levied upon their Cattel going in their Grounds, which thing was very troubleſome, and therefore now for the moſt part that way is altered, and they uſe to levy the ſame by the Yard or Acre, or other Meaſure of Land; by means whereof it is now leſs troubleſome and more certain than before, and every Town and Country knows what Sum is to be paid among them, and how the ſame ſhall be raiſed. We read that Moſes was the firſt that numbred the People, for he numbred the Iſraelites; and the firſt Tax, Subſidy, Tribute or Fifteenth, was invented by him among the Hebrews, as Polydore Virgil thinks.

Quit claim.

Quit-claim eſt un Releaſe ou Acquitting de un home pur aſcun Action que il ad ou poit aver envers luy. *Bract. l. 5. tract. 5. cap. 9. num. 9.*

Quit-claim.

Quit-claim is a Releaſe or Acquitting of a Man for any Action that he hath or might have againſt him. Bracton l. 5. tract. 5. ca. 9. nu. 9.

Quod ei deforceat.

Quod ei deforceat eſt un Brief que giſt lou Tenant en Tail, Tenant en Dower, ou Tenant a Vie perde per De-

Quod ei deforceat.

Quod ei deforceat is a Writ that lies where Tenant in Tail, Tenant in Dower, or Tenant for Life loſes by De-

fau

ault in any Action; then he ſhall have this Writ againſt him that recovers, or againſt his Heir, if he think he hath better right than he who recovered. See the Statute Weſt. 2. cap. 4.

faut en aſcun Action; donques ceſtuy avera ceſt Brief vers celuy que recovera, ou vers ſon Heir, ſi il entende que il avoit melior droit que il que recovera. Veies le Stat. *Weſt.* 2. *c.* 4.

Quod permittat.

QUod permittat is a Writ that lies where a Man is diſſeiſed of his Common of Paſture, and the Diſſeiſor alters or dies ſeiſed, and his Heir enters; then if the Diſſeiſee die, his Heir ſhall have this Writ.

Quod permittat.

Quod permittat eſt un Brief que giſt lou home eſt diſſeiſie de ſon Comion de Paſture, & le Diſſeiſor alien ou devie ſeiſie, & ſon Heire entre; donques ſi le Diſſeiſee devie, ſon Heire avera ceſt Brief.

Quod permitat

Habere
- Chiminum. — *Raſt. Entr.* 538. *Co. Entr.* 526.
- Eſtoverium turbarum. — *F. N. B.* 124.
- Paſſagium per aquam. — *Raſt. Entr.* 538.
- Liberam chaceam. — 2 *Inſtitut.* 654.
- Liberum taurum. — *F N. B* 124.
- Liberam faldam. — *Ibid. & 6 E.* 4. 1.
- Liberam piſcar. *&c.* — *Ibidem.*

Proſternere
- Domum, murum, ſepem, — 5 *Coke* 100.
- Ripam, *&c.* — 9 *Coke* 53.

Quo jure.

QUO jure is a Writ that lies where a Man hath had Comion of Paſture in another's Several within the Time of Memory; then he to whom the Several belongs ſhall have this Writ to charge him to ſhew by what Title he claims the Common.

Quo jure.

QUO jure eſt un Brief que giſt lou home ad ewe Common de Paſture en auter Several deins le temps de memorie; donques celuy a que appertient le Several avera ceſt Brief, a charge luy de monſtrer per quel Title il claim le Common.

Quo minus.

QUO minus is a Writ that lies where a Man hath granted to another Houſebote and Heybote in his Wood, and the Grantor makes ſuch Waſte and De-

Quo minus.

QUO minus eſt un Brief que giſt lou home ad grant a un auter Houſebote & Heybote en ſon boys, & le Grantor fait tiel Waſt & Deſtruction

on que le Grantee ne poit aver ſon reaſonable Eſtovers; donque le Grantee avera le avantdit Brief que eſt en nature de Brief de Waſte.

Et nota que *Houſbote* eſt certain Eſtovers pur amender le Meaſon; & *Heybote* eſt certain Eſtovers pur amender Heyes & Hedges.

Eſt auter Brief appelle *Quo minus* en le Exchequer, quel aſcun Termour ou Dettour al Roy avera vers aſcun auter pur Debt ou Treſpaſſe en le Exchequer Office appelle le Common Pleas, per que le Plaintiff ſurmittera, que pur le tort que le Defendant fait a luy, il eſt *meynes* able a payer le Roy ſon Dert ou Terme; quel eſt ſurmiſe a doner Juriſdiction al Court de Exchequer de oyer & terminer la cauſe del Suit enter eux, quel auterment ſerroit determine en auter Court.

ſtruction that the Grantee cannot have his reaſonable Eſtovers, then the Grantee ſhall have the aforeſaid Writ, which is in nature of a Writ of Waſte.

And note that Houſebote is certain Eſtovers to mend the Houſe; and Heybote certain Eſtovers to mend Heyes and Hedges.

There is another Writ called a Quo minus in the Exchequer which any Termor or Debtor to the King ſhall have againſt any other for Debt or Treſpaſs in the Exchequer-Office called the Common Pleas, by which the Plaintiff ſhall ſurmiſe, that for the Wrong which the Defendant doth him, he is leſs able to pay the King his Debt or Term; which is ſurmiſed to give Juriſdiction to the Court of Exchequer to hear and determine the Cauſe of the Suit between them, which otherwiſe ſhould be determined in another Court.

Quo warranto.

QUO *warranto* eſt un Brief que giſt lou home uſurpe daver aſcun Franchiſe ſur le Roy; donques le Roy avera ceſt Brief, de faire luy venor devant ſes Juſtices, pur monſtre per quel Title il claime tiel Franchiſe.

Quo warranto.

QUO warranto is a Writ that lies where a Man uſurps to have any Franchiſe upon the King; then the King ſhall have this Writ to make him come before his Juſtices, to ſhew by what Title he claims ſuch Franchiſe.

R. Ra

R.

Ran.

RAN ſignifies ſo open a Spoiling of a Man, that it cannot be denied. Lamard Arch. fol. 125.

Ranger.

Anger comes from the French word Range, (that is, Ordo Series) and ſignifies an Officer of the Foreſt that is appointed to walk every Day through the Purlieu whereof he is Ranger to drive back the Wild Beaſts to the Foreſt again; to ſee, hear and inquire of Offenders there, and to preſent their Offences. See Manwood, cap. 20. fol. 185.

Ranſom.

Anſom ſignifies properly the Sum that is paid for the redeeming of one that is taken Captive in War. But it is alſo taken for a Sum of Money paid for the Pardoning of ſome great Offence; as in the Statute of 1 H. 4. cap. 7. and in other Statutes: Fine and Ranſom going together; 23 H. 8. cap. 4. and elſewhere.

Rape.

Rape hath two ſignifications: the firſt is when it is taken for part of a County; as Suſſex is divided into ſix parts, which

R.

Ran.

RAN *ſignifieat tam apertam Rapinam, quæ negari non poteſt. Lamb. Arch. fol.* 125.

Ranger.

R*Anger* venuſt del parol *Francois Range, (id eſt Ordo vel Series)* & ſignifie un Officer del Forreſt que eſt appoint ſe pourmener cheſcun jour per le purlieu dont il eſt le Ranger, pur rechaſer les Feres hors ceo en le Forreſt arrere; de veier, oyer & inquire des Offenders la, & de preſenter lour Offences. Veies *Manw. cap.* 20. *fol.* 185. *&c.*

Ranſome.

R*Anſome* ſignifie propermente ceo Summe que eſt pay per le Redemption dun que eſt priſe captive en guerre. Mes eſt auxy uſe per un Summe des deniers paye pur le pardoner daſcun grand Offence; come en le Statute de 1 *H.* 4. *cap.* 7. & en auters Stat. Fine & Ranſome alants enſemble; 23 *H.* 8. *cap.* 3. & aylors.

Rape.

R*Ape* ad deux ſignifications: Le primer eſt quant il eſt priſe pur le part del County; come *Southſex* eſt divide en ſize

ſize parts, que per un peculiar nome ſont appelle Rapes, *Camb. Britan. p.* 225. & ceux parts en auters pays ſont appel Hundreds, Tythings, Lathes, ou Wapentakes.

En lauter ſenſe il eſt le violent Conuſance dun feme en-encounter ſa volunt: ceſt offence eſt Felonie, cybien en l'Principal come en les Acceſſories. *V.* 11 *H.* 4. *c.* 13. 1 *Ed.* 4. *c.* 1. *Weſtm.* 2. *c.* 13. *Cromptons Juſt. de Peace, f.* 43, 44.

by a peculiar Name are calle Rapes, Cambd. Britan. Pag. 22 And theſe parts in other Coun tries are called Hundzeds Tithings, Lathes oz Wapen takes.

In the other Senſe it is th violent Deflouring a Woma againſt her Will: And this O fence is Felony, as well in th Principal as in his Aidoz See 11 H. 4. c. 13. 1 Ed. 4. c. Weſt. 2. c. 13. Cromp. Juſt. Peace, f. 43, 44.

Rate Tythe.

RAte Tythe eſt lou Berbits, ou auter avers ſont reſerve en un Pariſh purmeinder-temps que un an, le Owner doit payer Tythe pur ceux pro rata accordant al Cuſtom del lieu, *Fitz. N. B.* 51. *Brp. diſms* 26.

Rate Tithe.

RAte Tithe is where Sheep other Cattel are kept in Pariſh foz leſs time than a Yea the Owner muſt pay Tithe f them pro rata accozding to t Cuſtome of the Place. Fitz. N. 51. Brd. diſms 26.

Rationabili parte bonorum.

RAtionabili parte bonorum eſt un Brief que giſt pur un Feme vers le Executors ſa baron daver le tierce part de ſes biens apres Detts payes & Funeral Expences diſcharge. Mes ſi ceſt Brief giſera al Common Ley, ou ſolement per le Cuſtom d'aſcun Pais, eſt un queſtion en noſtre Livres. Veies *F. N. B.* 122. *L.*

Rationabili parte bonorum

RAtionabili parte bonorum a Writ that lies foz the W againſt the Executors of her hu band, to have the third Part his Goods after Debts paid a Funeral Expences diſcharge But whether this Writ lies the Common Law, oz only the Cuſtom of ſome Countr is a Queſtion in our Books. F. N. B. fol. 122. L.

Rationabilibus diviſis.

RAtionabilibus diviſis eſt un Brief que giſt lou ſont deux Seignioties en divers Villes, & un pres de auter, & aſcun Parcel de Seigniorie, ou de Waſt, ad eſte encroch per perits parcels; donques celuy Seignior de que le parcel de Terre ou le Waſt ad eſte encroche avera ceſt Brief envers le Seignior que ad iſſint encroche.

Rationabilibus diviſis.

RAtionabilibus diviſis is a W that lies where there are t Lozdſhips in divers Towns one nigh the other, and any P cel of one Lozdſhip, oz W hath been incroached by little P cels; then the ſaid Lozd fr whom the Parcel of Gzound Waſte hath been incroached ſ have this Writ againſt the L that hath ſo incroached.

Raviſhm

Raviſhment de Gard.

Aviſhment de Gard, is a Writ that lies for the Guardian Knights Service, or in Soc-ge, againſt him that takes m him the Body of his ward. nd of this ſee F. N. B. fol. 140. &c.

Rebutter.

Ebutter is, when one by Deed or Fine grants to warrant Land or Hereditament to other, and he who made the arranty, or his Heir, ſues to whom the Warranty is e or his Heir, or Aſſignee, the ſame Thing: Now if he is ſo ſued plead the ſaid ed or Fine with Warranty, demands Judgment, if the intiff ſhall be received to and the Thing which he t to warrant againſt that rranty, by Fine or Deed a- ſaid comprehending ſuch War- y, ſuch Pleading of the War- y is called a Rebutter.

his word is alſo a Denomina- of a Plea which followeth ejoynder: And after the Re- er followeth the Surrebutter. Coke's Entries fol. 284.

Recaption.

eception is a ſecond Diſtreſs f one formerly diſtrained for ſelf-ſame cauſe, and that dur- the Plea grounded upon the r Diſtreſs. It is alſo the e of the Writ or Remedy the Law gives him who is twice diſtrained for one g: The Form and Uſe of h Writ you may ſee in Fitz. fol. 71. E. &c.

Raviſhment de Gard.

R*Aviſhment de Gard* eſt un Brief que giſt pur le Gardian en Chivalry, ou Soccage, vers ceſtuy que priſt de luy le corps ſon Gard. Et de ceo veies *F. N. B. fol.* 140. *E. &c.*

Rebutter.

R*Ebutter* eſt, quant un per Fait, ou Fine grant de garanter aſcun Terre ou Hereditament a un auter, & ceſtuy que fiſt le Garrantie, ou ſon Heir, ſua celuy a que le Garrantie eſt fait, ou ſon Heire, ou Aſſignee: Si celuy que eſt iſſint ſue pleade le dit Fait ou Fine ove Garrantie, & demand Judgment, ſi le Plaintiff ſerra receive a demander le choſe que il doit garrant', enconter cel Garrantie, per le Fait ou Fine avantdit, compernant tiel Garrantie, tiel Pleader en Garrantie eſt appele un *Rebutter*.

Ceſt parol eſt ſuxi un denomination de un Plea que ſucceed le plea appel Sutrejoinder, & puis le Rebutter ſucceed Surrebutter. Queux veies, *Cokes Entries, fol* 284.

Recaption.

R*Ecaption* eſt un ſecond Diſtreſſe d'un que fuit auterſoits diſtrein devant pur meſme le cauſe, & ceſt durant le Plea ground ſur le former Diſtreſſe. Eſt ſuxy le noſme del Brief ou Remedy que le Ley done pur ceſtuy que eſt iſſint deux foits diſtrein pur un choſe: Le forme & uſe de quel Brief poies veier en *F. N. B. f.* 71. *E. &c.*

Recluſe.

R*Ecluſe* eſt ceſtuy que per le reaſon de ſon Order en Religion ne poit mover ou departer hors de ſon Meaſon ou Cloiſter. Et d'un tiel, *Littleton* parle *ſect.* 434.

Recognizance.

R*Ecognizance* eſt un Obligation fait devant un Maſter del Court de Chancery pur un Debt, ou a performer Covenant, ou un Order ou Decree del Court ſur que un Elegit iſſue ſi les conditions ne ſont performe, mes nul Capias ſur ceo giſt verſus le cogniſor ou ſes Executors. *Quære & vide* 2 *Leon.* 84.

Record.

R*Ecord* eſt un Eſcript en Parchment, ou ſont enroll Pleas de Terre, ou Common Pleas, Faits, ou Criminal Proceedings en aſcun Court de Record; mes en Courts nient de Record come Admiraltie, Courts Chriſtian, Courts Baron, *&c.* lour Regiſtrie de procedure no ſont proprement dits Records: Mes Courts de Ley teign per Grant del Roy ſont Courts de Record.

Lou aſcun judicial act eſt fait durant le Term, le Record remain en le ceur des Judges & deins lour remembrance; & pur ceo le Roll eſt alterable durant ceſt Term come le Court directera. Mes quant le Term eſt finie le Record eſt en le Roll & ne admittera aſcun alteration, amendment ou Proof al contrary.

Recordare.

R*Ecordare* eſt un Brief direct al Viſcount pur remover un Cauſe hors d'un inferior Court

Recluſe.

REcluſe is one that by re of his Order in Relig may not ſtir or depart out of Houſe or Cloiſter. And of Littelton ſpeaks ſect. 434.

Recognizance.

REcogniſance is an Oblig made before a Maſter of Court of Chancery for a D or to perform Covenants, o Order or Decree of the Co upon which an Extent iſſue the Condition be not perform But no Capias lies upon i gainſt the Cognizor or his cutors. Quære & vide 2 Leon.

Record.

REcord is a Writing in P ment, wherein are en Pleas of Land, or Common Deeds or Criminal Proceed in any Court of Record: in Courts not of Record, as miralty, Courts Chri Courts Baron, &c. their giſtry of Proceedings are properly called Records: Courts of Law held by the Grant, are Courts of Record

Where any judicial Act is during the Term, the Reco mains in the Breaſt of the J es, and within their Rem brance, and therefore the R alterable during the Term the Court ſhall order. But the Term is ended, the R is in the Roll, and will not of any Alteration, Amendm Proof to the Contrary.

Recordare.

REcordare is a Writ direct the Sheriff, to remove a out of an inferior Court,

Court of Ancient Demeſne, Hundred-Court, or County-Court, into the King's Bench, or Common Pleas. And of this ſee Fitz. N. B. Fol. 70. B.

Recovery.

REcovery is comonly intended a Common Recovery by Aſſent of Parties to dock an Intail, and is founded upon a Writ of Entry. Alſo every Judgment is a Recovery by the words Ideo conſideratum eſt quod recuperet.

Recuſants.

REcuſants are all thoſe who ſeparate from the Church, and Congregation by the Laws and Statutes eſtabliſhed in this Realm, of what Opinion or Sect they are of. As all the Judges have expounded the Statute 35 Eliz. cap. 1. and divers other Stat. See Convict.

Rediſſeiſin.

REdiſſeiſin. Look of that before in the Title Aſſiſe.

Re-extent.

RE-extent is a ſecond Extent made upon Lands or Tenements, upon Complaint made that the former Extent was partially perform'd. Broke tit. Extent, Fol. 513.

Regarder.

REgarder comes of the French Regardeur, (id eſt, Spectator) and ſignifies an Officer of the King's Foreſt, ſworn to take care of the Vert and Veniſon, and to view and inquire of all the Offences committed within the Foreſt, and of all the Concealments of them; and if the Officers of the Foreſt do well

come Court del Ancient demeſne, Hundred Court, ou County Court, en Bank le Roy, ou Common Bank. Et de ceveies *F. N. B. f.* 70. *B.*

Recovery.

R*Ecovery* eſt communment intend un common Recovery per aſſent des parties a docker un Entaile, & eſt founde due ſur un Brief dentry. Auxi cheſcun judgment eſt recovery per les parols *Ideo conſideratum eſt quod recuperet.*

Recuſants.

R*Ecuſants* ſont touts ceux queux ſeparate de l' Eſgliſe & congregation per les Leys & Statutes eſtablies en ceſt Roialm de quel opinion ou ſect ils ſont, come touts Judges ont ceo expound ſup Statute 35 *El cap.* 1. & divers auters Stat. Veies *Convict.*

Rediſſeiſin.

R*Ediſſeiſin* Veies de ceo devant en le Title de *Aſſiſe.*

Re-extent.

R*E-extent* eſt un ſecond Extent fait ſur Terres ou Tenements, ſur complaint fait que le prieur Extent fuit partialment performe. *Broke, tit. Extent. Fol.* 313.

Regarder.

R*Egarder* venuſt del *Frantois Regardeur*, (*i. e. Spectator*) & ſignifie un Officer del Foreſt le Roy, jure de prender le regard del vert & inquire des touts Offences commiſes deins le Forreſt, & des touts les concealments de eux; & ſi touts les Officers del Forreſt bien executont lour Offices ou

 memy.

memy. Veies *Manw. For. Loys, c.* 21. *f.* 191. *b.*

Regrator.

REgrator eſt celuy que ad Blees, Victuals, ou auters choſes ſufficient put ſon neceſſary ops ou expences, & nient obſtant engroſs & achate en ſes mains plus Blees, Victuals, ou auters tiels choſes, al entent de vend ceſt arere al un pluis hault & chere price, en Faires, Markets, ou tiels ſemblable lieux; de que veies le Stat. 5 *E.* 6. *c.* 14. Il ſerra punie come *Foreſtaller.*

Rejoynder.

REjoynder eſt, quand le Defendant fait reſpons al Replication del Plaintiff.

Et cheſcun Rejoynder doit aver ceux deux properties ſpecialment: ceſtaſcavoire il doit eſtre ſufficient Reſpons al Replication, & de ſubſequent & enforce le matter del Barr.

Relation.

RElation eſt, lou, en conſideration del Ley, deux temps ou auters choſes ſont conſideres tielment come ſi fueront tout un, & per ceo le choſe ſubſequent eſt dit de prender ſon force per *relation* al temps precedent: Sicome un deliver un Eſcript al un deſtre deliver al auter, come Fait ceſtuy que ceo deliver, quand lauter, a que ſerroit deliver, ad pay aſcun ſumme de money; ore quant le money eſt pay, & l'Eſcript deliver, ceo ſerra repute come Fait ceſtuy que ceo delivera al temps quant fuit primes deliver. Iſſint Petitions de Parliament, as queux

erecute their Offices or no. See Manwood's Foreſt Laws, cap. 21. fol. 191. b.

Regrator.

REgrator is he that hath Corn, Victuals, or other things ſufficient for his own neceſſary uſe or ſpending, and doth nevertheleſs ingroſs and buy up into his Hands more Corn, Victuals, or other ſuch things, to the intent to ſell the ſame again at a higher and dearer Price, in Fairs, Markets, or other ſuch like places; whereof ſee the Statute 5 E. 6. cap. 14. He ſhall be puniſhed as a Foreſtaller.

Rejoinder.

REjoinder is, when the Defendant makes Anſwer to the Replication of the Plaintiff.

And every Rejoinder ought to have theſe two Properties ſpecially; that is, it ought to be a ſufficient Anſwer to the Replication, and to follow and enforce the matter of the Bar.

Relation.

RElation is, where, in Conſideration of Law, two Times or other things are conſidered ſo as if they were all one, and by this the Thing ſubſequent is ſaid to take its Effect by Relation at the Time preceding: As if one deliver a Writing to another to be delivered to a third Perſon, as the Deed of him who delivered it, when the other, to whom it ſhould be delivered, hath paid a ſum of Money; now when the Money is paid and the Writing delivered, this ſhall be taken as the Deed of him who delivered it at the time when it was firſt delivered. So Petitions of Parliament, to which the

King

King aſſents on the laſt day of Parliament, ſhall relate and be of force from the firſt day of the beginning of the Parliament. And ſo it is of divers other like things.

Releaſe.

RElease is the Giving or Diſcharging of the Right or Action which any hath or claims againſt another, or his Land.

And a Releaſe of Right is commonly made when one makes a Deed to another by theſe or the like Words, Remiſed, releaſed, and utterly for me and my Heirs quit claimed to I. B. all my right that I had, have, or by any means may have hereafter, in one Meſſuage, &c. But theſe words (whatſoever I may have hereafter) are void: For if the Father be diſſeiſed, and the Son releaſe by his Deed without Warranty all his Right, by theſe words, (whatſoever I may have hereafter, &c.) and the Father dies; the Son may lawfully enter on the Poſſeſſion of the Diſſeiſor.

Alſo in a Releaſe of Right it is needful, that he to whom the Releaſe is made have a Freehold or a Poſſeſſion in the Lands in Deed or in Law, or a Reverſion at the time of the Releaſe made; for if he have nothing in the Land at the time of the Releaſe made, the Releaſe ſhall not be to him available. See more hereof in Littl. lib. 3. cap. 8.

Relicta verificatione.

RElicta Verificatione is when a Defendant hath pleaded, and the Iſſue is entred of Record, and after that, the Defendant relicta verificatione (que eſt ſon

le Roy aſſent al darreine jour de Parliament, averont relation & prendront lour force del primer jour del commencement del Parliament. Et iſſint eſt de divers auters choſes ſemblables.

Releaſe.

R*Eleaſe* eſt le Done ou Diſcharge del Droit ou Action que aſcun eyt ou claime envers auter, ou ſon Terre.

Et un Releaſe de Droit eſt communement fait quand un feſoit un fait a un auter per ceux ou tiels parolx, *Remiſiſſe, relaxaſſe, & omnino pro me & Hered' meis quiet' clamaſſe.* A. B. *totum jus meum quod habui, habeo, ſeu quoviſmodo in futuro habere potero, in uno Meſſuagio &c.* Mes ceux parols (*quoviſmodo habere potero*) ſont voids: Car ſi le Pere ſoit diſſeiſie, & le Fits releaſe per ſon Fait ſans Garrantie tout ſon droit, per ceux parols (*quoviſmodo in fut' habere potero, &c.*) & le Pere moruſt; le Fits poit loyalment enter ſur le poſſeſſion le Diſſeiſor.

Auxy en un Releaſe de Droit il covient que il a que le Releaſe eſt fait ad un Franktenement ou Poſſeſſion en les Terres en Fait ou en Ley, ou un Reverſion al temps del Releaſe fait; car ſi ad reins en le Terre al temps del Releaſe fait, le Releaſe ne ſerra a luy availeable. Veies pluis de ceo. *Littl. lib.* 3. *cap.* 8.

Relicta verificatione.

R*Elicta verificatione* eſt quant un Defendant ad plead, & l'iſſue eſt enter de record. Et puis ceo le Defendant *relicta verificatione* (que eſt ſon plea) *cognoſcit*

cognoscit actionem, & sur ceo Judgment est enter pur le Plaintiff.

Relief.

Relief est ascun foits un certain summ de money que l'Heir payera al Seignior de que ceux Terres sont tenus, queux apres le decease de son Ancestor sont a luy discende come procheine Heir. Ascun foits il est le Payment d' un auter chose, & nemy money. Et pur ceo *Relief* nest certain & semblable pur touts Tenures, mes chescun sundry Tenure ad (pur le pluis part) son special Relief certain en luy mesme. Neq; est ceo destre paye touts foits al un certain age, mes il varie accordant al Tenure.

Come si le Tenant ad terre tenus per Service de Chivaler, (forspris grand Serjeantie) & moruſt, son Heire esteant de pleine age, & tient ses Terres per le Service de un entier Fee de Chivalier, le Seignior de que ceux Terres sont issint tenus avera del Heire C s. *nomine Relevii*: & si il tient per meins que un Fee de Chivaler, il payera meins, & si pluis, donques pluis; aiant respect touts foits al rate pur chescun Fee de Chivaler un cent soulz, Et si tient per grand Serjeantie, (que est touts foits del Roy, & est auxy Service de Chivaler) donques le Relief serra le value del Terre per an, preter touts charges issuant hors de ceo. Et si le Terre soit tenus en Petit Serjeantie ou en Socage, donques pur le Relief le Heire payera al un foits tant que il doit payer annuelment pur son Servicee; que est communement appelle le Doubling del Rent.

Plea) acknowledges the Action, and thereupon Judgment is entred for the Plaintiff.

Relief.

RElief is sometimes a certain sum of Money that the Heir shall pay to the Lord of whom his Lands are holden, which after the Decease of his Ancestor are to him descended as next Heir. Sometimes it is the Payment of another thing; and not Money. And therefore Relief is not certain and alike for all Tenures, but every several Tenure hath (for the most part) its special Relief certain in it self. Neither is it to be paid always at a certain Age, but varies according to the Tenure.

As if the Tenant have Lands holden by Knights Service (except Grand Serjeanty) and dies, his Heir being at full Age, and holding his Lands by the Service of a whole Knight's Fee; the Lord of whom these Lands are so holden shall have of the Heir an hundred Shillings in the name of the Relief; and if he held by less than a Knight's Fee, he shall pay less, and if more, then more; having respect always to the Rate for every Knights Fee C s. And if he held by Grand Serjeanty, (which is always of the King, and is also Knights Service) then the Relief shall be the Value of the Land by the Year, besides all Charges issuing out of the same. And if the Land be holden in Petit Serjeanty or in Socage, then for the Relief the Heir shall pay at one time as much as he ought to pay yearly for his Service; which is commonly called the Doubling of the Rent.

And if a Man hold of the King in chief, and of other Lords, the King shall have the Ward of all the Lands, and the Heir shall pay Relief to all the Lords at his full Age: but the Lords shall sue to the King by Petition, and shall have the Rent for the time that the Infant was in Ward.

But see now that by the Statute of 2 E. 6. cap. 8. the mesne Lords are not put unto their Petition, but shall have all the Rents paid them by the King's Officers upon Request yearly during the King's Possession.

And note, That always when the Relief is due, it must be paid at one whole Payment, and not by parts, although the Rent be to be paid at several Feasts. See the Statute 12 Car. 2. cap. 24.

Remainder.

REmainder of Land is the Land that shall remain after the particular Estate determined: As if one grant Land for term of Years or for Life, the Remainder to J. S. that is to say, when the Lease for Years is determined; or the Lessee for Life is dead; then the Land shall remain or abide with to, or in J. S. See Reversion.

Remembrancer of the Exchequer.

REmembrancer of the Exchequer; there are three Officers or Clerks there called by that name; one is called the Remembrancer of the King, the other of the Lord Treasurer, and the third of the First-fruits.

Auxy si un home tient del Roy en chief, & des auters Seigniors, le Roy avera le Garde de touts les Terres, & le Heire payera Relief a toutes les Seigniours a son plein age: mes les Seigniours suera al Roy per petition, & avera le Rent pur le temps que le Enfant fuit en Gard.

Mes veies ore que per le Statute de 2 *E* 6. *c.* 8. les mesne Seigniours ne sont mises a lour Petition, mes averont touts les Rents as eux payes per les Officers le Roy sur requeſt annuelment durant le possession le Roy.

Et nota, touts foits quand le Relief est due, il doit estre pay al un entier payment, & nemy per parts, nient obstant que le Rent soit destre paye al several Feasts. Veies le Statute 12 *Car.* 2. *cap.* 24.

Remainder.

R*Emainder* de Terre est le Terre que remainera apres le particular Estate determine: Come si un grant Terre pur terme de ans, ou pur vie, le remainder al *J. S.* ceſt adire, quant le Lease pur ans est determine, ou le Lessee pur vie est mort, donques le Terre remainera ou abide ove. al, ou en *J. S.* Veies *Reversion.*

Remembrancer del Eschequer.

R*Emembrancer del Eschequer*: la sont trois Officers ou Clerks la appel per tiel nosme; le un est appel Remembrancer del Roy, le auter del Seignior Treasurer, & le tierce del Primer fruicts.

Le Remembrancer del Roy enter en ſon Office touts Recogniſances pur les Dets le Roy, Apparances, & pur obſerver Orders; auxy il priſt touts Obligations pur aſcun des Dets le Roy, pur Apparances, & obſervances d' Orders & fiſt Proces ſur eux pur le enfreinder de eux.

Le Remembrancer del Seignior Treaſurer fiſt Proces vers touts Viſcounts, Eſcheators, Receivers, & Bailifes, pur lour Accounts; il fiſt le Proces de *Fieri facias*, & Extent pur aſcun Dets due al Roy, ou en le Pipe, ou ove les Auditors: & il fiſt Proces pur tout tiel Revenue que eſt due al Roy per reaſon de ees Tenures.

Le Remembrancer de les Primer fruicts priſt touts Compoſitions pur Primer fruicts & Diſmes, & fait Proces envers ceux que ne pas paya les meſme. De ceux Officers veies pluis en *Dal.* Livre del *Office & Authoritie de Viſcounts*, *f.* 186.

Remitter.

Remitter eſt, quant un home ad deux Titles a aſcun Terre, & il vient al Terre per le darreine Title; uncore il ſerra adjudge deins per force de ſon pluis eigne Title, & ceo ſerra dit a luy un *Remitter*. Come ſi Tenant en le taile diſcontinua le Taile, & puis diſſeiſie ſon Diſcontinuee, & moruſt ent ſeiſie, & les Terres diſcendont a ſon iſſue ou Coſin inheritable per force del Tail; en ceo caſe il eſt en ſon *Remitter*, ceſtaſcavoir, ſeiſie per force del Tail, & le Title del Diſcontinuee eſt ouſterment anient & de-

The King's Remembrancer enters in his Office all Recogniſances for the King's Debts, Appearances, and for obſerving of Orders: Alſo he takes all Obligations for any of the King's Debts, for Appearances, and obſerving of Orders, and makes out Proceſs upon them for the breaking of them.

The Lord Treaſurer's Remembrancer makes out Proceſs againſt all Sheriffs, Eſcheators, Receivers and Bailiffs, for their Accounts: he makes the Proceſs of Fieri facias, and Extent for any Debts due to the King, either in the Pipe, or with the Auditors; and he makes Proceſs for all ſuch Revenue as is due to the King by Reaſon of his Tenures.

The Remembrancer of the Firſt fruits takes all Compoſitions for Firſt-fruits and Tenths and makes Proceſs againſt ſuch as pay not the ſame. Of theſe Officers ſee more in Dalton's Book of the Office and Authority of Sheriffs, f. 186.

Remitter.

A Remitter is, when a Man hath two Titles to any Land and he comes to the Land by the laſt Title; yet he ſhall be judged in by force of his elder Title, and that ſhall be ſaid to him a Remitter. As if Tenant in Tail diſcontinue the Tail, and after diſſeiſes his Diſcontinuee and dies thereof ſeiſed, and the Lands deſcend to his Iſſue or Couſin inheritable by force of the Tail; in that caſe he is to his Remitter, that is to ſay, ſeiſed by force of the Tail, and the Title of the Diſcontinuee is utterly annulled and defeated. And the reaſon and cauſe of ſuch

Remitter

Remitter is for that such an Heir is Tenant of the Land, and there is no Person Tenant against whom he may sue his Writ of Formedon to recover the Estate-tail; for he may not have an Action against himself.

Also if Tenant in Tail infeoff his Son or Heir apparent who is within Age, and after dies; that is a Remitter to the Heir: But if he were of full Age at the time of such Feoffment, it is no Remitter, because it was his folly, that he being of full Age would take such a Feoffment.

If the Husband alien Lands that he hath in right of his Wife, and after take an Estate again to him and to his Wife for term of their Lives; that is a Remitter to the Woman, because this Alienation is the Act of the Husband, and not of the Woman; for no Folly may be adjudged in the Woman during the Life of her Husband.

But if such Alienation be by Fine in Court of Record, such a taking again afterward to the Husband and Wife for term of their Lives shall not make the Woman to be in her Remitter; for that in such a Fine the Woman shall be examined by the Judge, and such Examination in Fines shall exclude such Women for ever.

Also when the Entry of any Man is lawful, and he takes an Estate to him when he is of full Age, if it be not by Deed indented, or matter of Record, which shall estop him, that shall be to him a good Remitter.

fete. Et le reason & cause de tiel *Remitter* est, pur ceo que tiel Heire est Tenant del Terre, & nest ascun person Tenant vers que il poit suer son Brief de Formedon pur recover l'Estate tail: car il ne puit aver Action vers luy mesme.

Auxy si Tenant en le taile enfeoffa son Fitz ou Heire apparent que est deins age, & puis devie, ceo est un *Remitter* al Heire; mes si il fuit del plein age al temps de tiel Feoffment, il nest *Remitter*, pur ceo que il fuit son follie, que il esteant de plein age voile prender tiel Feoffment.

Si le Baron alien Terre que il ad en le droit son Feme, & puis repriſt Estate a luy & a son Feme pur terme de lour vies; cest est un Remitter al Feme, pur ceo que cest Alienation est l' act le Baron, & nemy l'Act de la Feme; car nul follie poit estre adjudge en la Feme durant le vie le Baron.

Mes si tiel Alienation soit per Fine en Court de Record, tel Repriſel apres al Baron & Feme pur terme de lour vies ne ferra la Feme destre en sa Remitter; pur ceo que en tiel Fine la Feme serra examine per le Judge, & tiels examinations en Fines excluderont tiels Femes a touts jours.

Auxy quant l'Entrie d'asc' home est congeable, & il prist Estate a luy quant il est de pleine age, si ne soit per Fait indente, ou matter de Record, que luy estoppera, ceo serra a luy bone Remitter.

Rents.

Rentes ſont de divers kinds; ceſtaſcavoire, Rent-ſervice, Rent-charge, & Rent-ſecke.

Rent-ſervice eſt, lou le Tenant en Fee-ſimple tient ſa Terre de ſon Seignior per Fealtie & certaine Rent, ou per auter Service & Rent; & donques ſi le Rent ſoit atere, le Seignior poit diſtraine, mes il jammais navera Action de Det pur ceo.

Auxy ſi jeo done Terres en le tail a un home, payant a moy certain Rent, ceo eſt *Rent-ſervice*. Mes en tiel caſe il covient que le Reverſion ſoit en le Donout: Car ſi home fait Feoffment en Fee, ou un Done en tail, le Remainder ouſter en Fee, ſans Fait, reſervant a luy un Rent, tiel reſervation eſt voide, & ceo eſt per force del Statute *Quia emptores terrarum*; & donques il tiendra de le Seignior de que ſon Donour tenoit.

Mes ſi home per Fait indent a cel jour fait tiel Done en le taile, le Remainder ouſter en Fee, ou leſſa pur term de vie, le Remainder ouſter; ou un Feoffment, & per meſme l'Endenture reſerva a luy un Rent, & que ſi le Rent ſoit arrere, que bien lirroit a luy a diſtrainer; ore tiel Rent eſt *Rent-charge*.

Mes en tiel caſe, ſi la ne ſoit clauſe de Diſtreſs en le Fait, donques tiel Rent eſt appel *Rent-ſeck*, pur quel il ne jammais diſtrainera; mes ſi fuit un foits ſeiſie, il avera Aſſiſe; & ſi il jammais ne fuit ſeiſie, eſt ſans remedie.

Auxy ſi un grant un Rent iſſuant hors del ſa Terre, ove clauſe de Diſtreſs, ceſt un

Rents.

Rents are of divers kinds; that is, Rent-ſervice, Rent-charge, and Rent-ſeck.

Rent-ſervice is where the Tenant in Fee-ſimple holds his Land of his Lord by Fealty and certain Rent, or by other Service and Rent; and then if the Rent be behind, the Lord may diſtrain, but ſhall not have an Action of Debt for it.

Alſo if I give Land in tail to a Man, paying to me certain Rent, that is Rent-ſervice. But in ſuch caſe it behoves that the Reverſion be in the Donor: For if a Man make a Feoffment in Fee, or a Gift in tail, the Remainder over in Fee, without Deed, reſerving to him a certain Rent, ſuch Reſervation is void, and that is by the Statute Quia Emptores Terrarum: and then he ſhall hold of the Lord of whom his Donor held.

But if a Man by Deed indented at this day make ſuch Gift in Tail, the Remainder over in Fee, or leaſe for Term of Life, the Remainder over, or a Feoffment, and by the ſame Indenture reſerve to him Rent, and that the Rent be behind, it ſhall be lawful for him to diſtrain; that is a Rent-charge.

But in ſuch caſe, if there be no Clauſe of Diſtreſs in the Deed, then ſuch a Rent is called Rent-ſeck, for which he ſhall never diſtrain; but if he were once ſeiſed, he ſhall have Aſſiſe; and if he were not ſeiſed, he is without Remedy.

And if one grant a Rent going out of his Land, with clauſe of Diſtreſs, that is, a Rent charge;

charge; and if the Rent be behind, the Grantee may chuſe to diſtrain, or ſue a Writ of Annuity, but he cannot have both; for if he bring a Writ of Annuity, then the Land is diſcharged. And if he diſtrain, and avow the taking in Court of Record, then the Land is charged, and the perſon of the Grantor diſcharged.

Alſo if one grant a Rent-charge, and the Grantee purchaſes half, or any other part or parcel of the Land, all the Rent is extinct. But in Rent-Service, if the Lord purchaſe parcel of the Land, the Rent ſhall be apportioned.

If one hath a Rent-charge, and his Father purchaſe parcel of the Land, and that parcel deſcends to the Son, who hath the Rent-charge; then the Rent ſhall be apportioned according to the value of the Land, as it is ſaid of Rent-ſervice; becauſe the Son comes to that not by his own Act, but by Diſcent.

Alſo if I make a Leaſe for term of Years, reſerving to me a certain Rent, that is called a Rent-Service, for which it is at my Liberty to diſtrain, or to have an Action of Debt: But if the Leaſe be determined, and the Rent behind, I cannot diſtrain, but ſhall be put to my Action of Debt.

And note well, that if the Lord be ſeiſed of the Service and Rent aforeſaid, and they be behind, and he diſtrain, and the Tenant reſcues the Diſtreſs, he may have Aſſiſe, or a Writ of Reſcous; but it is more neceſſary for him to have Aſſiſe, than a Writ of Reſcous; for

Rent-charge, & ſi le Rent ſoit arrere, le Grantee poit eſſier de diſtrainer, ou ſuer un Brief de Annuitie, mes il ne poit avet ambideux; car ſil port Brief d'Annuitie, donques le Terre eſt diſcharge. Et ſi il diſtraine, & avow le priſel en Court de record, donques le Terre eſt charge, & le perſon del Grantor diſcharge.

Auxy ſi un grant un Rent charge, & le Grantee purchaſe le moietie, ou aſe' auter part ou parcel de le Terre, tout le Rent eſt extinct. Mes en Rent ſervice, ſi le Seignior purchaſe parcel del Terre, le Rent ſerra apportion.

Si un ad un Rent-charge, & ſon Pere purchaſe parcel de Terre, & cel parcel diſcenda a le Fitz, que ad le Rent charge; ore cel Rent ſerra apportion ſolonque le value del Terre, come eſt dit de Rent ſervice; pur ceo que le Fitz ne vient a ceo per ſon act demeſne, mes per diſcent.

Auxy ſi jeo face un Leaſe pur term de ans, reſervant a moy un certain Rent, ceſt appel un Rent ſervice, pur quel il eſt a mon libertie a diſtrainer pur le Rent, ou aver un Action de Det: mes ſi de Leaſe ſoit determine, & le Rent ſoit arere, jeo ne puiſſe diſtraine, mes ſerra mis a mon Action de Det.

Et nota, que ſi le Seignior ſoit ſeiſie de Service & Rent avantdits, & ils ſoyent aderere, & il diſtrain, & le Tenant reſcue le Diſtreſs, il poit aver Aſſiſe, ou Brief de Reſcous; mes il eſt pluis neceſſarie pur luy d' aver Aſſiſe, que Brief de Reſcous:

pur

pur tant que per Assise il recovera son Rent & ses Damages; mes per cest Brief de Rescous il ne recovera mes Damages, & le chose distraine serra repriſe.

Si le Seignior ne soit my seisie del Rent & Service, & ils sont aderere, & il distrein pur eux, & le Tenant reprent le Distresse; il ne poit my aver Assise, mes Brief de Rescous, & ne covient my al Seignior de monstre son droit.

Si le Seignior ne poit my trover Distresse per deux ans, il avera vers le Tenant Brief de *Cessavit per biennium*, ut patet per le Statute de *Westm.* 2. *cap.* 21.

Et si le Tenant devie en le mean temps, & son Issue enter, le Seignior avera vers le Issue Brief de Entry sur *Cessavit*; ou si le Tenant alien, le Seignior avera vers le Alienee le avantdit Brief. Mes si le Seignior ad Issue & devie, & le Tenant soit en arrerages del dit Rent & Services en le temps le Pere, & nemy en le temps del Issue; il ne poit my distrein pur arrearages en temps son Pere, & navera ascun auter Recoverie vers le Tenant ou ascun auter, pur ceo que tiel advantage est done per le Ley al Tenant. Et nota que fealty appent de common droit a Rent service, mes nemy a Rent charge ne Rent seck.

Si home distrein pur Rent charge, & le Distresse soit rescue de luy, & il ne suit my seisie adevant, il ne ad my Recoverie forsq; per Brief de Rescous; car le Distresse primerment fait ne done a luy Seisin, forsque sil nad le Rent adethat by Assise he shall recover his Rent and his Damages; but by a Writ of Rescous he shall recover only Damages, and the thing distrained shall be repzised.

If the Lozd be not seised of the Rent and Service, and they be behind, and he distrain foz them, and the Tenant take again the Distress; he shall not have Assise, but a Writ of Rescous, and the Lozd shall not need to shew his Right.

If the Lozd cannot find a Distress in two Years, he shall have against the Tenant a Writ of Cessavit per biennium, as it appears by the Statute of Westm. 2. cap. 21.

And if the Tenant die in the mean time, and his Issue enter, the Lozd shall have against the Issue a Writ of Entry upon Cessavit; oz if the Tenant alien the Lozd shall have against the Alience the fozesaid Writ. But if the Lozd have Issue, and die, and the Tenant be in Arrearages of the said Rent and Service in the time of the Father, and not in the time of the Issue; he may not distrain foz the Arrearages in the time of his Father, and he shall have no other Recovery against the Tenant oz any other, because such Advantage is given by the Law to the Tenant. And note, that Fealty of common Right belongs to Rent-service, but not to Rent-charge noz Rent-seck.

If a Man distrain foz Rent-charge, and the Distress be rescued from him, and he was never seised befoze, he hath no Recovery but by Writ of Rescous; foz the Distress first taken gives not Seisin to him, unless he had the Rent befoze: foz if he

he were ſeiſed of the Rent before, and after the Rent be behind, and he diſtrain, and Reſcous be made, he ſhall have Aſſiſe, or a Writ of Reſcous.

In every Aſſiſe of Rent-charge, and annual Rent, or a Writ of Annuity, it behoves him that brings the Writ to ſhew an Eſpecialty, or elſe he ſhall not maintain the Aſſiſe. But in an Aſſiſe of Mortdanceſtor or Formedon in the Diſcender or other Writs (in which Title is given or compriſed) brought of Rent-charge or annual Rent, the Eſpeciality need not be ſhewn.

And note well, that if a Man grant a Rent-charge to another, and the Grantee releaſe to the Grantor parcel of the Rent, yet all that Rent is not extinct.

If Rent-charge be granted to two jointly, and the one releaſe, yet the other ſhall have the half of the Rent. And if the one purchaſe the half of the Land whereout the Rent is going, the other ſhall have the half of the Rent of his Companion. And if the Diſſeiſor charge the Land to a Stranger, and the Diſſeiſee bring an Aſſiſe and recover; the Charge is defeated. But if he that hath Right charges the Land, and a Stranger feign a falſe Action againſt him who hath no Right, and recovers by Default, the Charge abides.

In caſe Partition be between two Parceners, and more Land be allotted to one than to the other, and ſhe that hath moſt of the Land charges her Land to the other, and ſhe happeth the Rent; ſhe ſhall maintain Aſſiſe without Eſpecialty.

And it is a Rent-ſeck, where a Man holds of me by Homage,

vant: car ſi il fuit ſeiſie del Rent adevant, & puis le Rent ſoit aderere, & il diſtrein, & Reſcous ſoit fait, il avera Aſſiſe, ou Brief de Reſcous.

En cheſcun Aſſiſe de Rent charge, & annual Rent, ou en un Brief de Annuity, covient a celuy que port le Brief de monſtre avant un Eſpecialty, ou auterment il ne maintainera le Aſſiſe. Mes en Aſſiſe de Mortdanceſtor ou Formedon en le diſcender, & auters Briefs (en les queux Title eſt done ou compriſe) port de Rent charge ou de annual Rent, neſt beſoigne de monſtre Eſpecialty.

Et nota bien, que ſi home grant Rent charge a un auter, & le Grantee releſſa al Grantor parcel de le Rent, uncore tout le Rent neſt extinct.

Si Rent charge ſoit grant a deux joyntment, & le un releſſa, uncore le auter avera le moietie del Rent. Et ſi l'un purchace le moitie de le Terre dont le Rent eſt iſſuant, lauter avera le moietie del Rent de ſon compaignion: Et ſi le Diſſeiſor charge la Terre a un Eſtranger, & le Diſſeiſee port le Aſſiſe & recover; le charge eſt defeate. Mes ſi celuy que ad droit charge la Terre, & un Eſtranger faine un faux Action envers luy que nad droit, & recover per Default; le charge demurra.

En caſe Partition ſoit perenter deux Parceners, & pluis Terre ſoite allotte a lun que a lauter, & el que ad pluis del Terre charge ſa Terre al auter, & el happe le Rent; el maintainera Aſſiſe ſans Eſpecialty.

Et eſt un Rent ſeck, lou home tient de moy per Homage, Fealty,

Fealty, & auter Services, rendant a moy un certain Rent per an, que jeo grant a un auter, reſervant a moy les auters Services.

Si Rent ſeck ſoit grant a un home & ſes Heirs, & le Rent ſoit arere, & le Grantor devie; le Heir ne purra my diſtrainer, ne recovera les arrearages de temps ſon Pere, ſicome eſt avantdit de Rent ſervice.

Et in meſme le manner eſt de Rent charge ou annual Rent. Mes en touts ces Rents le Heire poit aver pur arrearages en ſon temps demeſne tiel advantage come avoit ſon Pere en ſa vie. Vide *Stat.* 32 *H.* 8. *cap.* 37.

Et nota bien, que en Rent ſeck ſi home ne ſoit ſeiſie del Rent, & il ſoit aderere, il eſt ſans recovery, pur ceo que il fuit ſon folly demeſne al primer, quant le Rent fuit grant a luy ou reſerve, que il ne priſt my Seiſin del Rent, ſicome un denier ou deux.

Home ne poit avere *Ceſſavit per biennium*, ou un auter Brief d'entry *ſur Ceſſavit*, pur aſcun Rent ſeck aderere per deux ans, mes il purroit tant ſolement pur Rent ſervice, ut patet in le Stat. *Weſtm.* 2. *cap.* 21.

Il covient pur luy que ſue pur Rent ſeck monſtre Fait al Tenant, auterment le Tenant ne ſerra my charge del Rent, forſque lou le Rent ſeck fuit Rent ſervice adevant; come en ceſt caſe, Seignior, Meſne & Tenant, & cheſcun de eux tient de auter per Homage & Fealtie, & le Tenant de Meſne per 10 s. de Rent; le Seignior paramount purchaſe les Terres

Fealty, and other Services, yielding to me a certain yearly Rent which I grant to another, reſerving to me the other Services.

If Rent-ſeck be granted to a Man and to his Heirs, and the Rent be behind, and the Grantor die, the Heir may not diſtrain nor ſhall recover the Arrearages of the Time of his Father, as it is ſaid before of Rent-Services.

And in the ſame Manner it is of Rent-charge, or annual Rent. But in all theſe Rents the Heir may have for the Arrearages in his own time ſuch Advantages as his Father had in his Life. See the Statute 32 H. 8 cap. 37.

And note well, that in Rent-ſeck, if a Man be not ſeiſed of the Rent, and it be behind, he is without Recovery, for that it was his own Folly at the beginning, when the Rent was granted him or reſerved, that he took not Seiſin of it, as a Penny or two Pence.

A Man may not have a Ceſſavit per Biennium, or any other Writ of Entry ſur Ceſſavit, for any Rent-ſeck behind by two years, but only for Rent-Service, as it appears in the Stat. Weſt. 2. cap. 21.

It behoves him that ſues for Rent-ſeck to ſhew a Deed to the Tenant, elſe the Tenant ſhall not be charged with the Rent, except where the Rent-ſeck was Rent-Service before; as in this caſe, Lord, Meſne, and Tenant, and every of them holds of other by Homage and Fealty, and the Tenant of the Meſne by 10 s. Rent; the Lord paramount purchaſes the Lands

or

or Tenements of the Tenant, all the Seigniory of the Meine, but the Rent, is extinct: And for this Cauſe this Rent is become Rent-ſeck, and the Rent-ſervice changed, for he may not diſtrain for this Rent; and in this caſe he that demands the Rent ſhall never be charged to ſhew a Deed.

Alſo in a Writ of Mordanceſtor, Ayle or Beſayle, of Rent-ſeck, it needs not to ſhew a Specialty, for that theſe Writs of Poſſeſſion comprehend a Title within themſelves, that is to ſay, that the Anceſtor was ſeiſed of the ſame Rent, and continued his Poſſeſſion, in reſpect of which Seiſin the Law ſuppoſes that it is alſo averrable by the Country.

Yet learn, for ſome ſuppoſe a neceſſity to ſhew forth a Deed, becauſe Rent-ſeck is a thing againſt common Right, as well as Rent-charge.

But in Aſſiſe of Novel diſſeiſin, and in a Writ of Entry ſur diſſeiſin brought of Rent-ſeck, it is needful to ſhew forth a Deed; for that Rent-ſeck is a thing againſt common Right, except in the caſe aforeſaid, where it was Rent-ſervice before, and by the Act of Law it is become Rent ſeck.

And the Aſſiſe of Novel diſſeiſin and a Writ of Entry ſur diſſeiſin contain within them no Title, but ſuppoſe a Diſſeiſin to be done to the Plaintiff; and by the Intendment of the Law the Diſſeiſin gives no cauſe of Averment againſt common Right, but there is a neceſſity to ſhew forth a Deed.

ou, Tenements de Tenant, tout le Seigniorie del Meſne, forſpriſe le Rent, eſt extinct; & pur ceſt cauſe ceſt Rent eſt devenus Rent ſeck, & le Rent ſervice change, car il ne poit diſtraine pur ceſt Rent; & en ceſt caſe celuy que demanda le Rent ne ſerra jammes charge de monſtre Fait.

Auxy en Brief de *Mortdanceſtor*, *Ayle*, ou *Beſayle*, de Rent ſeck, il ne beſoigne de monſtre Eſpecialtie, pur ceo que ceux Briefs de Poſſeſſion comprehendont ou Title deins eux meſmes, ceſtaſcavoire, que le Anceſtor fuit ſeiſie de meſme le Rent, & continua ſon poſſeſſion; per cauſe de quel Seiſin le Ley ſuppoſe que eſt auxy averrable per le Pays.

Tamen quære, car aſcuns ſuppoſant un fine force a monſtre avant un Fait, pur ceo que Rent ſeck eſt un choſe encounte common droit, auxy bien come Rent charge.

Mes en Aſſiſe de *Novel diſſeiſin*, & en Brief de *Entrie ſur diſſeiſin* port de Rent ſeck, il covient de fine force monſtre avant Fait; pur ceo que Rent ſeck eſt un choſe encounter common droit, ſinon en le caſe ſuiſdit, ou il fuit Rent ſervice adevant, & per le act del Ley eſt devenus Rent ſeck.

Et Aſſiſe de *Novel diſſeiſin* & Brief de *Entrie ſur diſſeiſin* ne conteigne deins eux nul Title, mes ſuppoſant un Diſſeiſin deſtre fait en le Plaintiff; & per entendment del Ley le Diſſeiſin ne done nul cauſe de Averment encounter common droit, mes de fine force il monſtre avant Eſpecialty.

Replevder.

Repleader.

R*Epleader* eſt, ou le Plees de Plaintiff ou Defendant, ou ambideux, ſont male, ou un impertinent Iſſue joyne, donque le Court annul touts ceux pleas queux ſont male, & agard quod partes replacitent. *Co. Ent.* 152, 221, 224.

Replevin.

R*Eplevin* eſt un Brief que giſt quant un home eſt diſtreine pur Rent ou auter choſe, donques il avera ceſt Brief al Viſcount, pur deliver a luy le Diſtreſſe, & trovera Surety de purſuer ſon Action; & ſi il ne purſua, ou ſi ſoit trove & judged encounter luy, donques ceſtuy que priſt le Diſtreſſe re-avera Diſtreſſe, que eſt appele Retourne des Avers; & il avera en tiel caſe Brief appel *Returno habendo.*

Mes ſi le Defendant avow pur Rent, il poit aver judgement pur le value des avers per le Statute 17 *Car.* 2. *cap.* 7.

Si ſoit en aſcun Franchiſe ou Bailiwicke, le party avera un Replevin del Viſcount directe al Bailiff de meſme le Franchiſe, pur eux redeliver, & il troveta Surety de purſuer ſon Action de prochein County. Et ceſt Replevin poit eſtre remove hors del County en le Common banke per Brief de *Recordare.*

Vide plus de *Replevin* devant Title *Diſtreſſe.*

Auxi vide *Mic.* 2 *E.* 3. *pl.* 31. & 7 *E.* 3. 27. *pl.* 13. un parol Plevin, ou terre fuit priſt en la main le Roy, & puis ſont deliver ou Replevy hors des

Repleader.

REpleader is, where the Plees of the Plaintiff or Defendant, or both, are ill, or an impertinent Iſſue joined, then the Court makes void all the Pleas which are ill, and awards the Parties to replead. Coke Ent. 152, and 221, 224.

Replevin.

REplevin is a Writ that lies where a Man is diſtrained for Rent or other thing, then he ſhall have this Writ to the Sheriff, to deliver to him the Diſtreſs, and ſhall find Surety to purſue his Action; and if he purſue it not, or if it be found or judged againſt him, then he that took the Diſtreſs ſhall have again the Diſtreſs, which is called the Return of the Beaſts; and he ſhall have in ſuch caſe a Writ called Returno habendo.

But if the Defendant avow for Rent, he may have Judgment for the Value of the Cattel by the Statute of 17 Car. 2. cap. 7.

If it be in any Franchiſe or Bailiwick, the Party ſhall have a Replevin of the Sheriff directed to the Bailiff of the ſame Franchiſe, to deliver them again, and he ſhall find Surety to purſue his Action at the next County. And this Replevin may be removed out of the County unto the common Place by Writ of Recordare.

See more of Replevin in the Title Diſtreſs.

Alſo ſee Mich. 2 E. 3. pl. 31. & 7 E. 3. 27. pl. 13. the word Plevin, where Lands were taken out of the King's hands, and are afterwards delivered or replevied out

of

f the King's hands. For which e Stat. 9 E. 3. cap. 2.

The Writ of Homine replegiando lies where a Man is in Prison, and not by special Commandment of the King, nor of his Justices, or for the Death of a Man, nor for the King's Forest, nor for such cause which is not replevisable; then he shall have this Writ directed to the Sheriff, that he cause him to be replevied. This Writ is a Justicies, and not returnable. And if the Sheriff do it not, then there shall go forth another Writ, Sicut alias; and afterward another Writ, Sicut pluries, vel causam nobis significes, which shall be returnable. And if the Sheriff yet make no Replevin, then there shall issue an Attachment directed to the Coroners to attach the Sheriff and to bring him before the Justices at a certain Day; and farther, that they make Execution of the first Writ.

Replication.

REplication is, when the Defendant in any Action makes an Answer, and the Plaintiff replies to that; that is called the Replication of the Plaintiff.

Reprieve.

REprieve comes from the French Repris, that is, taken back; so that to reprieve is properly to take back or suspend a Prisoner from the Execution and Proceedings of the Law for that time.

Repriſes.

REpriſes are Deductions, Payments and Duties that go yearly, and are paid out of a Manor; as Rent-charge, Rent-seck, Pensions, Corrodies, An-

mains le Roy, per que veies *Stat. 9 E. 3. cap. 2.*

Brief de *Homine replegiando* gist lou un home est en Prison, & nemy per especial commandement le Roy, ne de ses Justices, ne pur le mort de home, ne pur le Forrest le Roy, ne pur tiel cause que nest replevisable; donques il avera cest Brief direct al Vicount, que il luy faire estre replevy. Et cest Brief est un *Justicies*, & nient retournable. Et si Vicount ne ceo face, donques issera auter Brief, *Sicut alias*; & apres auter Brief, *Sicut pluries, vel causam nobis significes*, que serra retornable. Et si le Viscount uncore ne face Replevin; donques issera un Attachment directed al Coroners dattacher le Viscount, & de luy amesner devant les Justices a un certain jour, & ouster ceo que ils facent execution del primer Brief.

Replication.

R*Eplication* est, quant le Defendant en ascun Action fait Respons, & le Plaintiff replie a ceo, ceo est appel le *Replication* del Plaintiff.

Reprieve.

R*Eprieve* venust del *Francois Repris*, *Resumptus*; issint que repriver est properment de resumer un Prisoner del Execution & proceeding del Ley pur ceo temps.

Repriſes.

R*Epriſes* sont Deductions, Payments & Duries que va annuelment & sont pay hors de un Mannour; come Rent charge, Rent seck, Pensions, Corrodies, Annuities, Fees de

Senes-

Seneſchals ou Baylifes, & tiels ſemblables.

Requeſts.

R*Equeſts* eſt un Court teigne en le Palace del Roy, devant le Maſter de Requeſts per Petition, & ſemble eſtre un Court d' Equity.

Rere County.

R*Ere County* (*Retrocomitatus*) eſt un parol uſe en les Stat. *Weſtm.* 2. *c.* 39. *&* 2 *E.* 3. *c.* 5. & ſemble per ceux Stat. deſtre aſcun publique lieu que l'Viſcount appoint pur le receit des deniers le Roy apres le fine de ſon County Court.

Reſceit.

R*Eſceit* eſt, quant aſcun Action eſt port vers Tenant pur terme de vie ou de ans, & ceſtuy en le Reverſion vient eins & pria deſtre *receive* pur defend le Terre, & pur pleader oveſque le Demandant: Auxy quant il vient, il covient que il ſoit touts foits priſt a pleader ove le Demandant. En meſme le manner un Feme ſerra *receive* pur default ſon Baron en Action port vers ambideux. Et Tenant pur ans ſerra *receive* a defende ſon droit, lou, en un Action port vers Tenant del Frank-tenement, il plede faintment.

Reſcous.

R*Eſcous* eſt un Brief que giſt quant aſcun home prent Diſtreſs, & un auter repriſs de luy, & ne voile ſuffer luy ameſner l'Diſtreſs; ceo eſt un *Reſcous*, ſur quel il poit aver ceſt Brief, & recovera dammages.

Auxy ſi un diſtrein Beaſts pur dammage feaſant en ſa Terre, & les enchaſea per le hault

nuities, Fees of Stewards Bailiffs, and ſuch like.

Requeſts.

REqueſts is a Court held the King's Palace before t Maſter of the Requeſts by Pe tion, and it ſeems is a Cou of Equity.

Rere County.

RErE County is a Word u in the Statutes of Weſt 2. cap. 39. and 2 E. 3. c. 5. ſeems by thoſe Statutes to ſome publick Place which t Sheriff appointed for the recei ing of the King's Money aft his County-Court was done.

Reſceit.

REſceit is, when any Action brought againſt the Tena for term of Life or Years, a he in the Reverſion comes and prays to be received to d fend the Land, and plead w the Demandant: And when comes, it behoves that he be ways ready to plead with t Demandant. In the ſame ma ner a Wife ſhall be received the default of her Husband in Action brought againſt them bo And the Tenant for Years ſh be received to defend his Rig where, in an Action brought gainſt the Tenant of the Fre hold, he pleads faintly.

Reſcous.

REſcous is a Writ that lies wh anyMan takes a Diſtreſs, a another takes it again from hi and will not ſuffer him to ca the Diſtreſs away; this is a Re cous, upon which he may have t Writ, and ſhall recover damage

Alſo if one diſtrain Beaſts Damage-Feaſant in his Groun and drives them in the High-w

to impound them, and in going they enter into the House of the Owner, and he withhold them there, and will not suffer the other to impound them; that withholding is a Rescous.

Also if a Sheriff takes my Debtor by any Execution, or by meine Process, and J. S. rescue him out of the Custody of the Sheriff, I may have an Action of Rescous against J. S. for this Wrong, and recover Damages and Debt.

Reservation.

REservation is taken divers ways, and hath divers Natures. As sometimes by way of Exception, to keep that which a Man had before in him: As if a Lease be made for Years of Ground, reserving the great Trees growing upon the same, now the Lessee may not meddle with them, nor with any Thing that comes of them, so long as it abides in or upon the Trees, as Mast of Oak, Chesnut, Apples, or such like: but if they fall from the Trees to the Ground, then they are by right the Lessee's; for the Ground is let to him, and all thereupon not reserved, &c.

Sometimes a Reservation doth produce and bring forth another thing which was not before: As if a Man lease his Lands, reserving yearly for the same xx li. &c. And divers other such Reservations there be.

And note, That in ancient Time their Reservations were as well in Victuals, whether Flesh, Fish, Corn, Bread, Drink, or what else, as in Money, until at last, and that chiefly in the Reign of King Henry 1. by agreement the Reservation of Victuals was

chimin pur eux enparker, & en alant ils entront en le mesſon de celuy a que ils ſont, & il eux detient la, & ne voile ſuffer le auter de eux enparker; ceo detainer eſt *Reſcous*.

Auxi ſi le Viſcount priſt mon dettor per Execution ou meſne Proceſs, & *J. S.* reſcue luy hors del Cuſtody del Viſcount, jeo avera action de Reſcous verſus *J. S.* pur ceſt tort & recovera Damages & Debt.

Reſervation.

R *Eſervation* eſt priſe divers voyes, & ad divers natures. Come aſcun foits per voy de exception, de reſerve ceo q; un home ad devant en luy: Come ſi un Leaſe ſoit fait pur ans de Terre, *reſervant* les grand Arbors creſſent ſur ceo, ore le Leſſee ne poit meddle oveſque eux, ne oveſque aſcun choſe que vient de eux, cy longe come il demurt en ou ſur les Arbors, come Maſt de Oake, Cheſnut, Pomes, ou tiels ſemblables: mes ſils chient del Arbors al terre donques ils ſont en droit l'Leſſees, car le Terre eſt leſſe a luy, & tout ſur c' nient reſerve, *&c.*

Aſcun foits un *Reſervation* obtaine & port hors un auter choſe q; ne fuit devant: Come ſi un home leſſa ſes Terres *reſervant* annualment pur ceo xx. li. &c. Et divers auters tielx Reſervations y ſont.

Et nota, que en ancient temps lour *Reſervations* fueront cybien en Victuals, ſoit ceo Carne, Piſhe, Blees, Pane, Boyer, ou auterment, come en Money, tanq; al darreine, & ſpecialment en le temps del Roy *Henry* le 1. per agreement

le Reſervation de Victuals fuit change en priſt Money, come il ad tanque cy continue.

Reſidence.

R*Eſidence* venuſt del *Latine Reſidere*, & eſt tout un ove *Reſiance*, ſi non que ceſt parol *Reſidence* eſt plus toſt appropriate al Continuance dun Parſon ou Vicar ſur ſon Eſgliſe ou Benefice; & iſſint eſt uſe en le Stat. de 28 *H.* 8. *cap.* 13.

Reſignation.

R*Eſignation* eſt, lou un Incumbent de un Eſgliſe reſigne ou relinquiſh ceo al Ordinarie, que luy ait admit a ceo, ou a les Succeſſors; que differ del *Surrender*, quant per cel il a que le Reſignation eſt fait nad aſcun Intereſt en le choſe iſſint reſigne, mes ceſtuy a que ſurrender eſt fait avoit per ceo le choſe meſme.

Reſpondeat Superior.

R*Eſpondeat Superior* eſt lou les Viſcounts ſont removeable pur inſufficiency (come en *Londres*) Reſpondeat Superior, *i. e.* le Mayor & Commonalty: Iſſint pur le inſufficiency del Bailiff de un Liberty, reſpondeat dominus Libertatis.

Reſtitution.

R*Eſtitution* eſt quant un Judgment eſt reverſe per Error, donque Brief de Reſtitution iſſera pur le Defendant en le Action a reſtorer a luy tout ceo que il ad perdus. Eſt auxi un Brief de Reſtitution de Biens emblees ſur Conviction d'un larron, quel eſt fait al Seſſion ou Aſſizes, ſur Stat. 21 *H.* 8. 11. *Noy. Rep.* 128.

changed into ready Money, as it hath hitherto continued.

Reſidence.

REſidence comes from the Latine Reſidere, and is all one with Reſiance, but that this word Reſidence is often appropriated to the Continuance of a Parſon or Vicar upon his Church or Benefice; and ſo it is uſed in the Statute of 28 H. 8. cap. 13.

Reſignation.

REſignation is, where an Incumbent of a Church reſigns or leaves it to the Ordinary, who did admit him to it, or to his Succeſſors; which differs from Surrender, ſince by that he to whom the Reſignation is made hath no intereſt in the thing ſo reſigned, but he to whom the Surrender is made hath by that the thing in it ſelf.

Reſpondeat Superior.

REſpondeat Superior, is where the Sheriffs are removeable for Inſufficiency (as in London) Reſpondeat Superior, i. e. the Mayor and Commonalty: So for the Inſufficiency of the Bailiff of a Liberty, reſpondeat dominus Libertatis.

Reſtitution.

REſtitution is, when a Judgment is reverſed by Error, then a Writ of Reſtitution ſhall iſſue, to reſtore to the Defendant in the Action what he hath loſt. And there is a Writ of Reſtitution of ſtolen Goods, upon Conviction of the Thief, which is made at the Seſſions or Aſſiſes, on the Statute of 21 H. 8. 11. Noy Rep. 128.

Reſum-

Reſummons.

REſummons is a ſecond Summons of a Man to anſwer to an Action, where the firſt Summons is defeated by the Demiſe of the King, or ſuch other cauſe. And of this ſee Coke, lib. 7. fol. 29. b.

Alſo if a Terr-tenant returned upon Scire facias, or Defendant in another Action plead Non-age, and the Plea ſtays until, &c. When he comes of full Age, the Plaintiff upon a Suggeſtion, may have a Scire facias or Reſummons: and ſo when a Plea is ſtaid by pleading Protection, Excommunication, or ſuch other Diſability.

Reſumption.

REſumption is a word uſed in the Statute of 31 H. 6. c. 7. and is there taken for the Taking again into the King's hands ſuch Lands or Tenements as upon falſe Suggeſtion or other Error he had made Livery of to an Heir, or granted by Patent to any Man.

Retraxit.

REtraxit is the Preterperfect Tenſe of Retraho, to pull back; and is, when the Party, Plaintiff or Demandant comes in proper Perſon into the Court where his Plea is, and ſaith he will not proceed any farther in the ſame, &c. this will be a Bar to the Action for ever. See Co. Lit. 139. a.

Return.

REturn hath two Significations. The one is the Return of Writs by Sheriffs and Bailiffs: The other is in Replevin when Beaſts are diſtrained, and

Reſummons.

R*Eſummons* eſt un Second Summons de un home pur reſponder al un Action, lou le primer Summons eſt defeat per le Demiſe le Roy, ou tiel ſemblable cauſe. Et de ceo veies *Coke, lib. 7, f. 29. b.*

Auxi ſi Terr-tenant retorne ſur *Scire facias*, ou auter Action, plead non-age, & le parol demurr tanque, *&c.* Quant il veign de plein age, le Plaintif, ſur ſuggeſtion poit aver *Scire facias* ou reſum': Et iſſint ou plea eſt ſtay per pleder de Protection, Excomengement, ou auter tiel diſability.

Reſumption.

R*Eſumption* eſt un parol uſe en le Stat. de 31 *H. 6. c. 7.* & eſt la priſe pur le *Reprendre* en les mains le Roy de tiels Terres ou Tenements come ſur faux ſuggeſtion ou auter error le Roy uſſoit deliver al un Heire ou grant per Patent al aſcun home.

Retraxit.

R*Etraxit* eſt le Preterperfect tenſe de *Retraho*, pur evulſer arere; & eſt, quant le Plantif ou Partie Demandant vient en proper perſon en le Court lou ſon Suit eſt, & dit que il ne voie *Ulterius proſequi in placio illo, &c.* ceo ſerra un Barre al Action a touts jours. Veies *Co. Lit.* 139. *a.*

Return.

R*Eturn* avoit deux ſignifications. Le un eſt le return del Briefs per Viſcounts ou Baliffs. Le auter eſt en Replevin, quant Avers ſont diſtrein,

& il justifie son act, esteant legal, les avers serront return a luy. *Bro. Tit. Return* 228.

Reve, ou *Reeve*.

Reeve est un Officer pluis conous en ancient temps que a ceſt jour; car cheſc'Mannor ad donques un *Reeve*, & uncore en divers Copihold Mannors (ou le veiels custom prevaile) le noſme & office, neſt en tout oblie. Et eſt en effect ceo que a ore cheſcun Bailiff d'un Mannor practiſe, nient obſtant le noſme de Baliff ne fuit donques en ure enter nous, eſteant puis port eins per les *Normans*. Mes le noſme de *Revee*, ancientment appel *Gereve*, (quel particle (*Ge*) en contituance del temps fuit ouſtert ment amiſe & perde) vient del *Saxon* parol *Gerefa*, que ſignifie un Ruler: Et iſſint verament ſon Rule & Auctoritie fuit large deins le compaſs del Mannor ſon Seignior, & enter ſes homes & Tenants, cybien en choſes de Government en peace & guerre, come en le skilful uſe & trade de Husbandry. Car ſicome il colle& les Rents del Seignior, pay Repriſes ou Duties iſſuant hors del Mannor, appoint les Servants de worker, ſuccide & decoupe Arbres pur repairer les Ediſices & Encloſures, oveſque divers tiels ſemblables, pur le commodite del Seignior; iſſint auxy il ad auctoritie de governer & gard les Tenants en paix, & ſil beſoigne, de conducter eux en guerre.

Reverſion.

Reverſion de Terre eſt un certaine Eſtate, remainant en le Leſſor ou Donor, apres le

he juſtifies his Act being lawful, the Cattel ſhall be returned to him. Bro. tit. Return 218.

Reve, *or* Reeve.

Reeve is an Officer more known in ancient Time than at this Day; for almoſt every Manor had then a Reeve, and yet ſtill in many Copyhold-Manors (where the old Cuſtom prevails) the Name and Office is not altogether forgotten. And it is in effect that which now every Bailiff of a Manor practiſes, although the name of Bailiff was not then in uſe amongſt us, being ſince brought in by the Normans. But the name of Reeve, anciently called Gereeve, (which Partiele (Ge) in continuance of Time was altogether left out and loſt) came from the Saxon word Gerefa, which ſignifies a Ruler: And ſo indeed his Rule and Authority was large within the Compaſs of his Lord's Manor, and among his Men and Tenants, as well in matter of Government in Peace and War, as in the skilful Uſe and Trade of Husbandry. For as he did gather his Lord's Rents, pay Repriſes or Duties iſſuing out of the Manor, ſet the Servants to Work, fell and cut down Trees to repair the Buildings and Incloſures, with divers ſuch like, for his Lord's Commodity; ſo alſo he had Authority to govern and keep the Tenants in Peace, and if need required, to lead them forth to War.

Reverſion.

Reverſion of a Land is a certain Eſtate remaining in the Leſſor or Donor, after the particular

cular Eſtate and Poſſeſſion conveyed to another by Leaſe for Life or Years, or Gift in tail.

And it is called a Reverſion in reſpect of the Poſſeſſion ſeparated from it; ſo that he that hath the one, hath not the other at the ſame time; for in one Body at the ſame time there cannot be ſaid a Reverſion, becauſe by the uniting the one of them is drowned in the other.

And ſo the Reverſion of Land is the Land it ſelf when it falls.

Ribaud.

RIbaud ſeem to be ſturdy Vagabonds. Rot. Par. 50 E. 3. 61.

Right, and Right of Entrie.

RIght, and Right of Entry. See in Droit.

Riot.

RIot is, when three (at the leaſt) or more do ſome unlawful Act; as to beat a Man, enter upon the Poſſeſſion of another, or ſuch like.

Robbery.

RObbery is, when a Man takes any thing from the Perſon of another Feloniouſly; although the thing ſo taken be to the value but of a Penny, yet it is Felony, for which the Offender ſhall ſuffer Death.

Rood of Land.

ROod of Land is a certain quantity of Land containing the fourth part of an Acre. Anno 5 Eliz. c. 5.

particular Eſtate & Poſſeſſion convey al un auter per Leaſe pur vie ou ans, ou Done en taile.

Et eſt appel un *Reverſion* en reſpect de le poſſeſſion ſeparate de ceo; iſſint que il que ad le un nad le auter a meſme le temps; car en un corps ſimul la ne poit eſtre dit un Reverſion, pur ceo que per le uniting le un eſt merge en le auter.

Et iſſint le *Reverſion* del Terre eſt le Terre meſme quant il eſchuiſt.

Ribaud.

R*Ibaud* ſemble de eſtre *ſturdy Vagabons*, *Roi. Parl.* 50 *E.* 3. 61.

Right, & Right de Entrie.

R*Ight, & Right de Entry.* Veies en *Droit.*

Riot.

R*Iot* eſt, lou trois, (al meins) ou plures font aſcun illoyal act, come de bater un home, enter ſur le poſſeſſion de auter, vel hujuſmodi.

Robbery.

R*Obberie* eſt, quant un home prent aſcun choſe del perſon d'un auter ſelonioufment; coment que la choſe priſe ſoit value forſque d'un denier, uncore il eſt Felonie pur quel l'Offendor ſuffera mort.

Rood de Terre.

R*Ood de Terre* eſt un certain quantitie de Terre conteine le quatre part d'un Acre. *Anno* 5 *Eliz. c.* 5.

Rout.

ROut eſt, quant people aſſemble eux meſme, & puis procedant, ou chivauchant, ou alant avant, ou movent per inſtigation de un ou pluſors, que eſt Conductor d'eux. Ceſt appel un *Rout*, pur ceo que ils movent & proceed en routs & numbers.

Item ou plures aſſemble eux ſur lour quarrels & braules demeſne; come ſi le inhabitants d'un Ville voille aſſembler eux pur disbruiſer Heys, Mures, Foſſes, Pales, ou tiels ſemblables, d'aver Common la, ou de bater un auter que ad fait eux un common diſpleaſure, vel hujuſmodi; ceſt un *Rout*, & encounter le Ley, coment que ils nont fait ou mis en execution lour male entent. Veies le Statute 1 *Mar.* c. 12.

Rout.

ROut is, when People aſſemble themſelves together, and after proceed, or ride, or go forth or move by the inſtigation of one or more, who is their Leader. This is called a Rout, becauſe they move and proceed in Routs and Numbers.

Alſo where many aſſemble themſelves together upon their own Quarrels and Brauls; as if the Inhabitants of a Town will gather themſelves together to break Hedges, Walls, Ditches, Pales, or ſuch like, to have Common there, or to beat another that hath done them a common Diſpleaſure, or ſuch like; that is a Rout, and againſt the Law, although they have not done or put in Execution their miſchievous Intent. See the Stat. 1 Mar. c. 12.

S.

Sac, ou *Sake*.

Sake eſt Placitum & Emenda de Tranſgreſs' hominum in Curia veſtra; quia *Sake Anglice* eſt *Encheſon Gallice*, & *ſake* eſt mis pur *ſick*.

Veies *Kelleway Caſes incerti temporis*, f. 145. a. que le privelege appel *Sake* eſt, d'aver les Amerciaments de ſes Tenants en ſon Court demeſne.

S.

Sac, or Sake.

SAke is a Plea and Correction of Treſpaſs in your Court; becauſe Sake in Engliſh is Encheſon in French, and ſake is put for ſick.

See Kelleway in his Caſes incerti temporis, f. 145, a. that the Privilege called Sake is, for a Man to have the Amerciaments of his Tenants in his own Court.

Sacri-

Sacrilege.

SAcrilege is, when one ſteals any Veſſels, Ornaments or Goods of Holy Church, which is Felony. 3 Cro. 153, 154.

Salary.

SAlary is a Word often uſed in our Books, and it ſignifies a Recompence or Conſideration given a Man for his pains beſtowed upon another Man's buſineſs. And it is ſo called, as Pliny ſays in the 31 Book of his Nat. Hiſt. cap. 7. becauſe it is as neceſſary for a Man as Salt, and makes his Labour reliſh as Salt doth his Meat.

Sanctuary.

SAnctuary is a privileged Place by the Prince for the Safeguard of Mens Lives who are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honour and Devotion which the Prince bears to the Place whereunto he grants ſuch a Privilege; which was heretofore ſo great, that the Princes have granted the ſame in caſes of Treaſon committed againſt themſelves, Murder, Rape, or other Crime whatſoever. Hereof ſee Staundf. Pl. of the Crown, l. 2. c. 38.

Sarpler.

SArpler is, a quantity of Wool, which in Scotland is called Serplath, and contains 80 Stone; and with us in England a Load of Wool contains (by the Opinion of ſome) fourſcore Tod, and every Tod two Stone, and every Stone fourteen Pounds; and that a Sack of Wool is in common Account equal with a

Sacrilege.

S*Acrelege* eſt quant un emblee aſcun Veſſels, Ornaments ou biens de Saint Eſgliſe que eſt Felony. 2 *Cro.* 153, 154.

Salarie.

S*Alarie* (*Salarium*) eſt un parol mult uſe en noſtre Livres, & ſignifie un Recompence ou Conſideration done al aſcun pur ſon labour imploie ſur les beſoignes de un auter. Et eſt iſſint appel, come *Plinie* dit en le 31. *Nat. Hiſt. c.* 7. *quia tam neceſſarium eſt quam Sal homini, & lebowes ſuos ſapit ut Sal cibos.*

Sanctuary.

S*Anctuary* eſt un Lieu privilege per le Soveraigne pur le garder des vies des homes queux ſont pechers, eſteant foundue ſur le Ley de Mercy, & ſur le grand reverence, honour & devotion que le Soveraigne port al lieu a que il granta tiel Privilege: que fuit ſi grand en temps paſſe, que les Soveraignes ont grant meſme en caſes de Treaſon perpetres encounter eux meſmes, Murder, Rape, ou auter crime quecunque. De ceo veies *Staundf. Pl. del Cor. l.* 2. *c.* 38.

Sarpler.

S*Arpler* eſt un quantitie de Lane, que en *Eſcoſe* eſt appel *Serplath*, & containe 80 Stone; & ove nous en *Angleterre* un Corde de Lane conſiſta (per le opinion de aſcuns) de 80 Todde, & cheſcun Todde containa deux Stone, & cheſcun Stone 14 Livers; & que un Sack de lane eſt en uſual eſti-

mation egal ove un Corde, & un *Sarpler* le moietie de un Sack.

Satisfaction.

Satisfaction eſt, quant un Defendant ad pay Debt ou Damages verſus luy recover, il covient a luy d'aver ſatisfaction de eſtre enter ſur le record del Judgment.

Saver default.

Saver default eſt le meſme come de excuſer un default. Et ceo eſt proprement quant un home aiant fait default en Court vient apres & allege bon cauſe pur que il ceo ſiſt, come impriſonment al meſme temps, ou ſemblable. Veies *Novel Livre de Entries Tit. Saver default.*

Scandalum magnatum.

Scandalum magnatum eſt un Male report invente ou diſperſe al prejudice ou ſlander de aſcun grand perſonage ou Officer del Realm. Le puniſhment pur que eſt enact per divers Statutes, *viz. Weſtm.* 1. *c.* 33. 2 *R.* 2. *c.* 5. & 12 *R.* 2. *c.* 11.

Scavage.

Cavage ou *Shewage* eſt un Tolle exact per les Mayors, Viſcounts & Bailiffs des Cities & Boroughs corporate, pur Wares ou Merchandiſes monſtres deſtre vendus deins lour precincts & jurisdiction; quel Exaction, eſteant enconter le privilege des ſubjects le Roy, fuit inhibite per un Statute fait 19 *H.* 7. *c* 8. Veies 21 *H.* 7. *f.* 14. *a.* & veies le Stat. de 22 *H.* 8. *c.* 8. in fine.

Satisfaction.

Satisfaction is, when a Defendant hath paid a Debt or Damages recovered againſt him, it behoveth him to have Satisfaction to be entred upon the Record of the Judgment.

Saver default.

Saver default is the ſame as to excuſe a Default. And this is properly when a Man having made Default in Court, comes afterwards, and alledges a good Cauſe why he did it, as Impriſonment at the ſame time, or the like. See New Book of Entries, Tit. Saver default.

Scandalum magnatum.

Scandalum magnatum is an evil Report invented or diſperſed to the Prejudice or Slander of any great Perſonage or Officer of the Realm. The Puniſhment of which is enacted by divers Statutes, viz. Weſtm. 1. c. 33. 2 R. 2. c. 5. and 12 R. 2. c. 11.

Scavage.

Scavage or Shewage is a Toll exacted by the Mayors, Sheriffs and Bailiffs of Cities and Towns Corporate, for Wares or Merchandize ſhewed to be ſold within their Precincts or Juriſdiction, which Exaction being againſt the Privilege of the King's Subjects, was prohibited by a Statute made in 19 H. 7. c. 8. See 21 H. 7. f. 14. a. and ſee the Statute of 22 H. 8. c. 8 in the end thereof.

The

The Mayor, &c. of London brought Debt for this Duty, by these Words, Pro superviſu apertionis H. 8. 19 C. 2. B. R. roll 625.

Scire facias

Scire facias is a Writ judicial going out of the Record, and lies where one hath recovered Debt or Damages in the King's Court, and ſues not to have Execution within the Year and the Day; then after the Year and the Day, he ſhall have the ſaid Writ to warn the Party; and if the Party come not, or if he come and ſay nothing to diſcharge or pay the Execution, then he ſhall have a Writ of Fieri facias directed to the Sheriff, commanding him to levy the Debt or Damages of the Goods of him that hath loſt.

The Writ of Fieri facias lies within the Year, without any Scire facias ſued.

Alſo if the Sum of the ſame Debt or Damages may not be levied of the Goods of him that hath loſt them, he may have a Writ of Elegit, commanding the Sheriff to deliver him the one half of his Lands and Goods, except his Oxen and Implements of the Plow.

When one hath recovered Debt or Damages in an Action Perſonal, (where the Proces is a Capias) he may have another Writ of Execution, called a Capias ad ſatisfaciendum, to take the Body of him that is ſo condemned, which ſhall be committed to Priſon, there to abide without Bail or Mainprize, till he hath ſatisfied the Party.

And when one hath Judgment to recover any Lands or Tenements, he ſhall have a Writ

Major, &c. de London port dett pur cel duty, hiis verbis *Pro ſuperviſu apertionis H.* 88, 19 C. 2 *B. R. Roll.* 625.

Scire facias.

Scire facias eſt un Brief judicial iſſuant hors de Record, & gift lou un ad recover Dette ou Damages en Court le Roy, & il ne ſue pas de aver Execution deins l'an & le jour; donques apres l'an & jour it avera le dit Brief a garner le partie: & ſi le partie ne vient, ou ſil vient & ne ſcavoit riens dire encounter Execution, donques il avera un Brief de *Fieri facias* direct al Viſcount luy commandant que il levie le Dette ou les Damages des Biens de celuy que avoit perdue.

Le Brief de *Fieri facias* gift deins le an, ſans aſcun *Scire facias* ſue.

Auxy ſi le ſumme de meſme le Dette ou Damages ne poit eſtre levie des Biens de celuy que avoit perdue, donques il poit aver un Brief de *Elegit*, direct al Viſcount, que il face luy deliver la moiete de ſa Terre & Biens, except ſes Boves & affries de ſa Carue.

Quant un ad recover Det ou Damages en Action perſonal, (lou le Proces eſt un *Capias*) il poit aver un auter Brief d'Execution, appel *Capias ad ſatisfaciendum*, pur prender le Corps celuy que eſt iſſint condempne, que ſerra commit al priſon, illonques a demurrer ſans Baile ou mainpriſe, tanque il ad ſatisfie le partie.

Auxy quant un ad Judgment de recover aſcun Terres ou Tenements, il avera un Brief appel

appel *Habere facias seisinam*, direct al Viscount, luy commandant deliver a luy Seisin de mesme le Terre issint recover, Veies pluis de ceo en les Titles *Fieri facias* & *Execution*.

Le Brief supra est done per Statute *Westm.* 2. *cap.* 45. Mes auxi sont auters manners de *Scire facias*; scil. super *Audita Querela*, Brevia de Erroribus corrigendis, tam ad audiendos errores, que quare Executionem habere non debeat, & versus terretnant superJudiciis, & hujusmodi.

called Habere facias seisinam, directed to the Sheriff, commanding him to deliver to him Seisin of the same Land so recovered. See more of that in the Titles Fieri facias and Execution.

The Writ abovesaid is given by the Statute of Westm. 2. cap. 45. But there are also other manner of Scire facias; scil. upon Audita Querela, Writs of Error as well to hear Errors as wherefore the Plaintiff ought not to have Execution, against Terrenants upon Judgments, and the like.

Scot.

SCot est, quietum esse de quadam consuetudine, sicut de communi Tallagio facto ad opus Vic' vel Ballivi ejus.

Scot.

SCot is, to be quit of a certain Custom, as of common Tallage made to the use of the Sheriff or his Bailiff.

Scotale.

SCotale est un Extortion prohibit per le Charta del Forrest, *cap.* 7. & est lou ascun Officer del Forrest tenust un Alehouse, al intent que poit aver le custome des Inhabitants deins le Forrest, de vener & expender lour deniers ove luy, & pur ceo il conivera a lour offences commise deins le Forrest.

Scotale.

SCotale is an Extortion prohibited by the Statute of Charta de Foresta, cap. 7. and it is where any Officer of the Forest keeps an Ale-house, to the intent that he may have the Custom of the Inhabitants within the Forest, to come and spend their Money with him, and for that he shall wink at their Offences committed within the Forest.

Second deliverance.

SEcond *deliverance*, est un Brief fait per le Filacer a deliver avers distreine puis que le Plaintiff est Nonsuit en un Replevin. *Plo. Com.* 274. *Dyer* 41.

Second Deliverance.

SEcond Deliverance is a Writ made by the Filacer, to deliver Cattel distrained, after the Plaintiff is Non-suit in Replevin. Plow. Com. 274. Dyer 41.

Se defendendo.

SE *defendendo* est un Plee pur luy que est charge ove mort de un auter, disant que il fuit compelle a ceo que il faisoit, en son *defence mesme*. *Staundf. Pl. Cor. lib.* 1. *cap.* 7.

Se defendendo.

SE defendendo is a Plea for him that is charged with the Death of another, saying, that he was driven unto that which he did, in his own Defence, Staundf. Pl. Cor. lib. 1. cap. 7.

Seigni

Seigniory in Groſs.

SEigniory in Groſs. See Lord in Groſs.

Seiſin.

SEiſin, Seiſina, Poſſeſſio; and is two fold; Seiſin in Deed, and Seiſin in Law. Seiſin in Deed is, when a Corporal Poſſeſſion is taken. Seiſin in Law is when ſomething is done which the Law accounteth a Seiſin, as Inrolment, &c.

Selion.

SElion comes of the French Sellon; that is, the Ground riſing between two Furrows, in Latine, Parca, a Ridge; and it is not of any certain quantity, but ſometimes more, and ſometimes leſs. And therefore Crompton in his Juriſdiction of Courts, fol. 221. ſaith, that a Selion cannot be demanded, becauſe it is uncertain.

Seneſchal.

SEneſchal (Steward) is a French Word borrowed of the Germans, and ſignifies one that hath the diſpenſing of Juſtice in ſome particular Caſes: as Staundf. Pl. of the Cro. fol. 152. B. the High Steward of England, or of the Affairs of a Family as Crompton's Juriſdiction, fol. 102. Steward of the King's Houſhold, and 25 E. 3. Stat. 5. cap. 21. and others.

He is alſo a learned Man appointed by the Lord of the Manor to hold Courts Leet or Baron. Co. 1 Inſt. 58. 61.

Sequeſtration.

SEqueſtration is the ſetting aſide of a thing in Controverſie from the Poſſeſſion of both thoſe that

Seigniorie en Groſſe.

S*Eigniere en Groſſe.* Veies *Lord en Groſſe.*

Seiſin.

S*Eiſin, Seiſina, poſſeſſio;* Et eſt duplex, Seiſin en Fait & Seiſin en Ley. Seiſin en Fait eſt quant un perſonal poſſeſſion eſt priſe. Seiſin en Ley eſt quant aſcun choſe eſt fait que le Ley account un Seiſin, come Enrolment, *&c.*

Selion.

S*Elion (Selio)* venuſt del *Francois Sellon*, id eſt, Terra elata inter duos fulcros, en *Latine Parca*, eſt neſt daſcun certain quantitie, mes aſcun foits containe plus, & aſcun foits meins. Et pur ceo *Crompton* en ſon *Juriſdiction des Courts, fol.* 221. dit, que un *Selion* ne poit eſtre demand, eo que eſt uncertain.

Seneſchal.

S*Eneſchal (Seneſchallus)* eſt un parol *Francois* emprunt del *Germanois*, & ſignifie un que avoit le diſpenſation del Juſtice, en aſcun particular caſes; come *Staundf. Pl. Cor. fo.* 152 *B.* le grand Seneſchal del *Angleterre*, ou des affaires dun Familie, come *Cromptons Juriſdiction, f.* 102. Seneſchal de Hoſtel le Roy, & le Stat. de 25 *E.* 3. *Stat.* 5. *c.* 21. & 2uters.

Eſt auxi home erudite appoint per le Seignieur de un Mannor a tener Courts Leet ou Baron, *Coke* 1. *Inſt. f.* 58, 61.

Sequeſtration.

S*Equeſtration* eſt le Mitter apart dun choſe in controverſie del poſſeſſion de ambideux

deux que contend pur ceo. Eſt uſe auxy pur le act dun Ordinary, quand nul voit intromitter oves biens & chatels dun que eſt mort, come en 4. & 5. *M. Dyer fol.* 106. *b. & 7 El. Dyer, fol.* 232. *a.* Et iſſint eſt uſe auxy pur le Collecte des fruits & profits dun Benefice que eſt void, al uſe del prochein Incumbent, per le Statute de 28 *H.* 8. *cap.* 11.

contend for it. It is uſed alſo for the Act of an Ordinary, when no Man will meddle with the Goods and Chattels of one deceaſed, as 4 & 5 M. Dyer fol. 160. b. & 7 Eliz. Dyer 232. a. And ſo it is uſed alſo for the gathering of Fruits and Profits of a Benefice void, for the Uſe of the next Incumbent, by the Statute of 28 H. 8. cap. 11.

Service de Chivaler.

TEner per *Service de Chivaler* eſt a tener per Homage, Fealty, & Eſcuage; & treit a luy Gard, Marriage, & Reliefe.

Et nota, que *Service de Chivaler* eſt Service de Terres ou Tenements, pur armes porter en Guerre en defence del Royalme; & doit Garde & Marriage, per reaſon que nul eſt able, ne de power, & ne poit aver conuſans de armes porter, devant que il ſoit del age de 21 ans. Et al fine que le Seignior ne perdera ceo que de droit il poit aver, & que la power de la Royalme en rien ne ſoit enfeeble, la Ley voet, per cauſe de ſon tender age, que le Seignior luy avera en la Gard tanque al pleine age de luy, ceſtaſcavoire, 21 ans.

Mes veies le Stat. 12 *Car.* 2. *cap.* 24. per quel tout Tenures ſont verſe en free & common Soccage.

Knights Service.

TO hold by Knights Service is, to hold by Homage, Fealty, and Eſcuage; and it draws to it Ward, Marriage and Relief.

And note, that Knights Service is Service of Lands or Tenements, to bear Arms in War in Defence of this Realm; and it owes Ward and Marriage, by reaſon that none is able, nor of Power, nor may have knowledge to bear Arms, before he be of the Age of xxi. Years. And to the end that the Lord ſhall not loſe that which of right he ought to have, and that the Power of the Realm be nothing weakned, the Law wills, becauſe of his tender Age, that the Lord have him and his Lands in his Ward till full age, that is to ſay, xxi. Years.

But ſee the Stat. 12 Car. 2. cap. 24. whereby all Tenures are turned into free and common Socage.

Seſſions.

S*Eſſions* eſt un Seiance de Juſtices en Court ſur lour Commiſſions: come les Seſſions de *Oyer & Terminer, Staundf. Pl. Cor. fo.* 67. Quarter Seſſions, auterment appelle General Seſſions, ou overt Seſſions, 5 *El. c.* 4. encounter queux ſont Pri-

Seſſions.

SEſſions is a Sitting of Juſtices in Court upon their Commiſſions; as the Seſſions of Oyer and Terminer, Staundf. Pl. Cor. fol. 67. Quarter Seſſions, otherwiſe called General Seſſions, or open Seſſions, 5 El. c. 4. oppoſite whereunto are

Priby

Privy or especial Sessions, which are procured upon some especial occasion, for the speedy Expedition of Justice, Cromp. Justice of P. fol. 110. What things are enquirable in General Sessions, see Cromp. as above, and f. 109. Petit Sessions, or Statute Sessions are held by the High Constables of every Hundred, for the placing of Servants. An. 5 El. cap. 4. in the end.

Severance.

SEverance is the Singling of two or more that are joined in a Writ: As if two are joined in a Writ De libertate probanda, and the one afterward is nonsuited, in this case Severance is permitted, so that notwithstanding the Nonsuit of the one, the other may alone proceed. F. N. B. fol. 78. See of this Brook, tit. Severance & Summons, fol. 238. For it is harder to know in what cases Severance is permitted, then what it is. There is also Severance in Assise, Old Book of Entries, fol. 81. col. 4. And Severance in Attaint, fol. 95. col. 2. And Severance in Debt, fol. 200. col. 1. And Severance in Quare impedit, Coke, lib. 5. fol. 97.

Sewers.

SEwers seems to be a Word compounded of two French Words, Seoir, to sit and Eau, Water, for that the Sewers are Commissioners that sit by vertue of their Commission and Authority grounded upon divers Statutes, to enquire of all Nusances and Offences committed by the stopping of Rivers, erecting of Mills, not repairing of Banks and Bridges, &c. and

vate ou especial Sessions, queux sont procure pur ascun especial occasion, pur le pluis subite fesance de Justice, *Cromp. Just. de P. fol.* 110. Queux choses sont enquirable en General Sessions, veies *Cromp. ut supra*, & *fol.* 109. Petit Sessions, ou Statute Sessions, sont tenus per le haut Constable de chescun Hundred, pur le placing de Servants. *An.* 5 *El. c.* 4. in fine.

Severance.

S*Everance* est le Mitter hors de un ou pluisors que sont joyne en un Brief: Come si deux sont joyne en un Brief *De libereate probanda*, & puis lun soit nonsuit, en cest case *Severance* est permit, issint que nient obstant le Nonsuit de de lun auter poit severalment proceed, *F. N. B. fol.* 78. De ceo veies *Brook tit. Severance & Summons, fol.* 238. Cat est pluis dure a cognostre en queux cases *Severance* est permit, que quel y est. La est auxy *Severance en Assise*, *Veil Livre d' Entries*, *f.* 81. *col.* 4. Et *Severance en Attaint*, *f.* 95. *col.* 2. Et *Severance en Det*, *fol.* 200. *col.* 1. Et *Severance en Quare impedit*, *Coke*, *l.* 5. *f.* 97.

Sewers.

S*Ewers* semble destre un parol compound des deux parols *Francois*, *Scoir*, *sedere*, & *Eau*, *Aqua*, pur ceo que les *Sewers* sont Commissioners que seont, per virtue de lour Commission, & authority foundue sur divers Statutes, d' inquire de touts Nusances & Offences foits per lestopper des Rivers, ereter des Molins, non repairer des Molins, non repairer

des

des Banks & Bridges, & pur taxer & rater touts queux poit concern, pur le amender des touts defalts que ſont al hindrance del frank paſſage del Eau per ſes vieux & ancient currants. Veies le Stat. 6 *H.* 6. *cap.* 5. & 23 *H.* 8. *cap.* 5. pur le forme de lour Commiſſion.

to tax and rate all whom it may concern, for the amending of all defaults which tend to the hindrance of the free paſſage of the Water through its old and ancient Courſes. See the Statute of 6 H. 6. cap. 5 & 23 H. 8. cap. 5 for the Form of their Commiſſion.

Shack.

SHack eſt un peculiar noſme de Common uſe en le pays de *Norfolk*, & Avers de aler a *Shack*, eſt tant adire come de aler a libertie, ou de aler a-large. Et ceſt Common appelle *Shack*, que en le Commencement fuit forſque en nature de un Feeding, pur cauſe de vicinage, pur avoiding de Suits, en aſcun lieus deins ceſt Pays eſt per cuſtom alter en nature dun Common appendant ou appurtenant, & en aſcun lieus ceo retaine ſon Original Nature. *Coke l.* 7. *f.* 5.

Shack.

SHack is a peculiar Name of a Common uſed in the County of Norfolk; and Cattel go to Shack, is as much as to ſay as to go at Liberty, or to go at large. And this Common called Shack, which in the beginning was but in nature of a Feeding, becauſe of Vicinage, for avoiding of Suits, in ſome Places within this County is by Cuſtom altered into the nature of Common Appendant or Appurtenant, and in ſome Places it retains its Original Nature. Coke, lib. 7. fol. 5.

Shewing.

S*Hewing* eſt, quietum eſſe cum Attachiamento in aliqua Curia, & coram quibuſcunque, in Querelis oſtenſis, & non advocatis.

Shewing.

SHewing is, to be quit with Attachment in any Court, and before whomſoever, in Plaints ſhewed and not allowed.

Sicut alias.

S*Icut alias* eſt un ſecond Brief mis lou le primer ne fuit execute; & eſt iſſint appel del ceux parols en ceo, *ſicut alias præcepimus.*

Sicut alias.

SIcut alias, is a ſecond Writ ſent out where the firſt was not executed; and is ſo called from thoſe Words in it, Sicut alias præcepimus.

Simeny.

S*Imony* eſt un Contract illoyal fait pur aver un home preſent al Rectory ou Vicarage, quel eſt prohibite per Stat. 31 *Eliz. cap.* 6. Veies Stat. 1 *W. & M. cap.* 16.

Simony.

SImony is an unlawful Contract made to have a Man preſented to a Rectory or Vicarage, which is prohibited by Stat. 31 Eliz. cap. 6. See Stat. 1 W. & M. cap. 16.

Sine Die.

Sine Die, without Day. When Judgment is given againſt the Plaintiff, he is in Miſericordia pro falſo Clamore ſuo, but when 'tis given for the Defendant, 'tis ſaid, eat inde ſine die, i. e. he is diſmiſſed out of Court.

Soc.

SOC is Suit of Men in your Court, according to the Cuſtom of the Realm.

Socage.

TO hold in Socage is, to hold of any Lord Lands or Tenements, yielding him a certain Rent by the Year for all manner of Services.

To hold by Socage, is not to hold by Knights Service, for doth Ward, Marriage, Relief belong to it: but they ſhall double once their Rent after the death of their Anceſtor, according to that, that they be wont to pay to their Lord.

And they ſhall not be above meaſure grieved, as it appears in the Treatiſe of Wards and Relief.

And note well, that Socage is in three Manners; that is to ſay, Socage in free Tenure, Socage in antient Tenure, and Socage in baſe Tenure.

Socage in free Tenure is, when one holds of another by Fealty and certain Rent for all manner of Services, as is before ſaid.

And of all Lands holden in Socage the next of Kin ſhall be the Ward, to whom the Heritage may not diſcend, till the Heir be of the Age of xiv Years: that is to ſay, if the Heritage come by the Part of the Father, they of the Part of the Mother ſhall have the Ward; and contrariwiſe.

Sine Die.

SIne Die, ſans jour. Quant Judgment eſt done vers le Plaintiff il eſt in miſericordia pro falſo clamore ſuo, mes quand il eſt done pur le Defendent il eſt dit eat inde ſine die, *i. e.* il eſt diſmiſs del Court.

Soc.

SOC eſt Secta de homine in Curia veſtra, ſecundum comſuetud inem Regni.

Socage.

TEner en *Socage* eſt, a tener de aſcun Seignior Terres ou Tenements, rendant a luy un certaine Rent per an pur touts manners des Services.

Tener per Socage neſt pas tener per Service de Chivaler, ne la appent Gard, Marriage, ne Relief: mes ils doubleront un foits lour Rent apres le mort lour Anceſtor, ſolonque ceo que ſoloyent payer a lour Seignior.

Et ils ne ſerront ouſter meaſure grieves, come il appiert en le Treatiſe *de Gards & Relief.*

Et nota, que Socage eſt, en trois manners, ceſtaſcavoir Socage en frank Tenure, Socage in antient Tenure, & Socage en baſe Tenure.

Socage en frank Tenure eſt quant un tient de un per Fealty & certain Rent pur touts manner de Services, come devant eſt dit.

Et de tours Terres tenus en Socage le procheine amy avera le Garde, a que le Heritage ne purra my diſcender, tanque al age le Heire del 14 ans: ceſtaſcavoir, ſi le Heritage veigne per le part le Pere, ceux del part le Mere averont le Gard; & contra.

Si

Si Gardian en Socage fait Waſte, il ne ſerra my impeache de Waſte, mes il rendra accompt al Heire quant il viendra al pleine age de 21 ans. Et veies l' Stat. de *Marlebridge ca.* 17. pur ceſt matter.

Socage en ancient Tenure eſt ceo lou les gents tenoyent en antient Demeſne, que ne ſolont aver auter Brief que le Brief de *Droit-cloſe*, que ſuit determine *Secundum conſuetudinem Manerii*, & l'*Monſtraverunt*; pur eux diſcharger quant lour Seigniour eux diſtreine pur faire auter Services que duiſſent.

Ceſt Brief de *Monſtraverunt* doit eſtre port envers lour Seigniour; & ceux Tenants teignont touts per un certaine Service, & ſont franke Tenants de Ancient Demeſne.

Socage en baſe Tenure eſt, lou home tient in Ancient Demeſne, qne ne poit aver le *Monſtraverunt*, & pur ceo il eſt appel le *baſe Tenure.*

Sockmans.

Sockmans ſont les Tenants en Ancient Demeſne, queux tient lour Terres per Socage, ceſt adire per Service del Carue, & pur ceo ils ſont appelle *Sockmans*, que eſt tant adire come Tenants ou homes queux tient per Service del Carue, ou homes del Carue: Car *Sok* ſignifie un Carue.

Et ceux *Sockmans*, ou Tenants en Ancient Demeſne, ont pluſors & divers Liberties done & grant a eux per le Ley, cybien ceux Tenants queux tient de un commonperſon, come ceux queux tient del Roy en Ancient Demeſne; come noſmement deſtre quite de

If the Guardian in Socage make Waſte, he ſhall not be impeached of Waſte, but he ſhall yield Accompt to the Heir when he ſhall come to the full Age of 21 Years; for which ſee the Statute of Marlebr: cap. 17.

Socage in ancient Tenure is that where the People held in Ancient Demeſne, who were wont to have no other Writ than the Writ of Right-cloſe, which was determined According to the Cuſtom of the Manor, and the Monſtraverunt, to diſcharge them when their Lord diſtrains them to do other Services than they ought.

The Writ of Monſtraverunt ought to be brought againſt their Lord; and theſe Tenants hold all by one certain Service, and are free Tenants of Ancient Demeſne.

Socage in baſe Tenure is where a Man holds in Ancient Demeſne, that may not have the Monſtraverunt, and for that it is called the baſe Tenure.

Sockmans.

SOckmans are the Tenants in Ancient Demeſne, that hold their Lands by Socage, that is, by Service with the Plow and therefore they are called Sockmans; which is as much as to ſay, as Tenants or Men that hold by Service of the Plough, or Plow-men: For Sok ſignifies a Plow.

And theſe Sockmans, or Tenants in Ancient Demeſne, have many and divers Liberties given and granted them by the Law, as well thoſe Tenants that hold of a common Perſon, as thoſe that hold of the King in Ancient Demeſne; as namely, to be free from paying Toll in every Mar-

ket, Fair, Town and City, throughout the whole Realm, as well for their Goods and Chattels that they sell to others, as for those things that they buy for their Provision. And thereupon every of them may sue to have Letters Patents under the King's Seal, directed to his Officers, and to the Mayors, Bailiffs, and other Officers in the Realm, to suffer them to be Toll-free; to be exempt from Leets and Sheriffs Turns; also to be quit of Pontage, Murage, and Pallage; as also of Taxes and Tallages granted by Parliament, except that the King tax Ancient Demesne, as he may at his Pleasure, for some great Cause; to be free from Payments toward the Expences of the Knights of the Shire that come to the Parliament.

And if the Sheriff will distrain them or any of them, to be contributary for their Lands in Ancient Demesne, then one of them, or all, as the Case requires, may sue a Writ directed to the Sheriff, commanding him that he do not compel them to be contributary to the Expences of the Knights. And the same Writ doth command him also, that if he hath already distrained them, that he re-deliver the same Distress.

Also that they ought not to be impanelled, nor put in Juries and Enquests in the Country out of their Manor or Lordship of Ancient Demesne, for the Land that they hold there, (except that they have other Lands at the Common Law, for which they ought to be charged.) And if the Sheriff do return them in Panels, then they may have a Writ directed to him, De

payer Toll en cheſcun Market, Fair, Ville, Citie, per tout le Royalme, cybien pur lour Biens & Chattels que ils vende as auters, come pur ceux choſes que ils achateront pur lour proviſion. Et ſur ceo cheſcun de eux poit ſuer de aver Letters Patents deſouth le Seal le Roy, directe a ſes Officers, & al Maiors, Bailiffs, & auters Officers en le Royalme, de ſuffer eux deſtre quit de Tolle: deſtre exempt del Leets & de Turns de Viſcount; item deſtre quit de Pontage, Murage, & Paſſage; & auxy de Taxes & Tallages grant per Paliament, ſinon que le Roy taxe Ancient Demeſne, come il poit a ſon pleaſure, pur grand cauſe; deſtre quit de payment a les expences del Chivalers del Shire, queux vient al Parliament.

Et ſi le Viſcount voil diſtreyner eux, ou aſcun de eux, deſtre contributorie pur lour Terres en Ancient Demeſne, donques l'un de eux, ou touts, come le caſe require, poit ſuer un Brief directe al Viſcount, luy commandant que il ne compelle eux deſtre contributories al expences de Chivalers. Et meſme le Brief luy command auxy, que ſi il ad diſtrain eux pur ceo, que il redeliver meſme le Diſtreſſe.

Item que ils ne deveront eſtre impannel, ne mis en Juries & Enqueſts en le Pays hors de lour Mannor ou Seigniory de Ancient Demeſne, pur les Terre, queux ils teigne la, (ſmon que ils ont auters Terres al Common Ley, pur quex ils deveront eſtre charge) Et ſi le Viſcount retourne eux en Pannels, donques ils poyent aver un Brief direct a luy,

De non ponendis in Aſſiſis & Juratis; Et ſil face al contrary, y giſt Attachment envers luy,

Et iſſint eſt auxy ſi les Bailiffs des Franchiſes, queux ont Retorn des Briefs, voile returne aſcun del Tenants queux teigne en Ancient Demeſne en Aſſiſes ou Juries.

non ponendis in Aſſiſis & Juratis: And if he do the contrary, there lies an Attachment againſt him.

And ſo it is alſo if the Bailiffs of Franchiſes, that have Return of Writs, will return any of the Tenants which hold in Ancient Demeſne in Aſſiſes or Juries.

Sodomy.

SOdomy, en le Indictment pur ceo offence eſt dit, *Rem veneream habuit & peccatum illud Sodomitticum (inter Chriſtianos non nominandum) felonice commiſit.*

Sodomy.

SOdomy, in the Indictment for this Offence it is ſaid, Rem veneream habuit & peccatum illud ſodomiticum (inter Chriſtianos non nominandum) felonice commiſit.

Spoliation.

SPoliation eſt un Suit pur les Fruits dun Eſgliſe, ou pur le Eſgliſe meſme; & eſt deſtre ſue en le Spiritual Court, & nemy en le Temporal. Et ceſt Suit giſt pur un Encumbent envers un auter, lou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en queſtion ou debate. Come ſi un Parſon ſoit cree un Eveſque, & ad diſpenſation de tener ſon Rectorie, & puis le Patron preſent auter Encumbent, que eſt inſtitute & induct; ore Eveſque poit aver envers ceſtuy Encumbent un *Spoliation* en le Spiritual Court, pur ceo que ils ambideux claime per un Patron, & le droit del Patronage ne vient en debate, & pur ceo que le auter Encumbent vient al poſſeſſion del Benefice per le courſe del Ley Spiritual, ceſtaſcavoir, per Inſtitution & Induction, iſſint que il ad colour de aver ceo, & deſtre Parſon per le Spiritual Ley; car autrement, ſil ne ſoit inſtitute & induct, &c, *Spoliation* ne giſt envers luy,

Spoliation.

SPoliation is a Suit for the Fruits of a Church, or for the Church it ſelf; and it is to be ſued in the Spiritual Court, and not in the Temporal. And this Suit lies for one Incumbent againſt another, where they both claim by one Patron, and where the Right of the Patronage doth not come in Queſtion or Debate. As if a Parſon be created a Biſhop, and hath Diſpenſation to keep his Benefice, and afterward the Patron preſents another Incumbent, which is inſtituted and inducted; now the Biſhop may have againſt that Incumbent a Spoliation in the Spiritual Court, becauſe they claim both by one Patron, and the Right of the Patronage doth not come in Debate, and becauſe the other Incumbent came to the Poſſeſſion of the Benefice by the Courſe of the Spiritual Law, that is to ſay, by Inſtitution and Induction, ſo he hath Colour to have it, and to be Parſon by the Spiritual Law; for otherwiſe, if he be not inſtituted and inducted, &c.

Spoliation lis not againſt him, but rather a Writ of Treſpaſs, or an Aſſiſe of Novel diſſeiſin, &c.

So it is alſo where a Parſon who hath a Plurality doth accept another Benefice, by reaſon whereof the Patron preſents another Clerk, who is inſtitute and inducted: now the one of them may have Spoliation againſt the other, and then ſhall come in Debate whether he has a ſufficient Plurality or not. And ſo it is of Deprivation, &c.

The ſame Law is, where one ſaith to the Patron, that his Clerk is dead, whereupon he preſents another; there the firſt Incumbent, who was ſuppoſed to be dead, may have a Spoliation againſt the other. And ſo it is in divers other like Caſes, whereof ſee Fitz. Natura Br. f. 36. G. &c.

Stableſtand.

STableſtand is a Term of the Foreſt Laws, when one is found Standing in the Foreſt with his Bow bent ready to ſhoot at any Deer, or with his Greyhounds in a Leaſe ready to ſlip. See Manw. Foreſt Laws. cap. 18. 133. b.

Stallage.

STallage ſignifies Money paid for pitching Stalls in Fairs or Markets, or the Right of doing it.

Standard.

STandard. See Eſtandard.

Stannary.

STannary are Courts by ancient Cuſtom held in Cornwal for ſuits concerning the Trade of Tin,

mes pluiſtoſt un Brief de Treſpaſs, ou un Aſſiſe de *Novel diſſeiſin, &c.*

Iſſint auxy eſt lou un Parſon que ad Pluralitie accept auter Benefice, per reaſon de que le Patron preſent un auter Clerk que eſt inſtitute & induct; ore le un de eux poit aver *Spoliation* envers le auter, & donques viendra en debate ſi il ad un ſufficient Pluralitie ou non. Et iſſint eſt de Deprivation, &c.

Meſme le ley eſt, ou un dit a le Patron, que ſon Clerke eſt mort, ſur que il preſent un auter; la le primer Encumbent, que fuit ſurmiſe deſtre mort, poit aver un *Spoliation* envers le auter. Et iſſint en divers auters ſenblables caſes de quel veies *Fitz. Nat. Br. fo.* 36. G. *&c.*

Stableſtand.

STableſtand eſt un terme del Foreſt Leys quant un eſt trove *eſteant* en le Forreſt ove ſon Arc tend priſt de eſcocher al un Dame, ou oveſque ſes Levriers en un Leſſe priſt de gliſſer. Veies *Manw. For. Leys, Ca.* 18. *fo.* 133. *b.*

Stallage.

STallage ſignifie argent pay pur pitching *Stalles* in Nundinis & Mercatis, ou le droit de ceo faiſant.

Standard.

STandard. Veies *Eſtandard.*

Stannary.

STannary ſont Courrs per ancient Cuſtom teigne en *Cornwal* pur ſuits concernant le Trade de Tin.

Statute-Merchant.

TEner per *Statute-Merchant* eſt, lou home conuſt a payer deniers a un auter a certain jour devant le Maior, Bailiff, ou auter Gardein de aſcun Ville que ad poyar de faire execution de meſme le Statute, & ſi le Obligor ne paya le Det a le jour, & rien de ſes Biens, Terres ou Tenements ne purront eſtre troves deins le Gard le Maior ou Gardein avantdit, mes en auters lieux dehors, donques le Recogniſee ſuera le Recogniſance & Obligation ove un Certification a la Chancerie deſouth le Seal le Roy, & il avera hors de la Chancerie un *Capias* al Viſcount del County lou il eſt, de luy prender, & mitter luy en priſon, ſi il ne ſoit Clerke, tanque il ad fait gree de la Dette. Et un quarter de le an apres ceo que il ſerra priſe, il avera ſa Terre deliver a luy meſme, pur faire gree a le partie de le Dette; & il poit vender ſa Terre tanque il eſt en priſon, & ſon vendition ſerra bone. Et ſi il ne face gree deins le quarter dun an, ou ſil ſoit returne que il neſt trove, & ſil ne ſoit Clerke, adonques le Recogniſee poit aver Brief de le Chancery, appel *Extendi facias*, direct al aſcun Viſcount, de extender les Terres & Biens, & les Biens a luy deliver, & luy ſeiſer en ſes Terres, a tener eux a luy, ſes Heires & Aſſignes, tanque le Dett ſoit levie ou pay; & pur cel temps il eſt Tenant per Statute-Merchant.

Nota, que en un Statute-Merchant le Recogniſee avera Execution de touts les Terres

Statute-Merchant.

TO hold by Statute-Merchant is, where a Man acknowledges to pay Money to another at a certain Day before the Mayor, Bailiff, or other Warden of any Town that hath Power to make Execution of the ſame Statute, and if the Obligor pay not the Debt at the Day, and nothing of his Goods, Lands or Tenements may be found within the Ward of the Mayor or Warden aforeſaid, but in other Places without, then the Recogniſee ſhall ſue the Recogniſance and Obligation with a Certification to the Chancery under the King's Seal, and he ſhall have out of the Chancery a Capias to the Sheriff of the County where he is, to take him, and to put him in Priſon, if he be not a Clerk, till he have made ſatisfaction for the Debt. And one quarter of a Year after he is taken, he ſhall have his Land delivered to himſelf, to make Gree to the Party for the Debt; and he may ſell his Land while he is in Priſon, and his Sale ſhall be good. And if he do not make ſatisfaction within a quarter of a Year, or if it be returned that he is not found, and if he be not a Clerk, then the Recogniſee may have a Writ out of the Chancery, called Extendi facias, directed to any Sheriff, to extend his Lands and Goods, and to deliver the Goods to him, and to ſeiſe him in his Lands, to hold them to him, his Heirs and Aſſigns, till the Debt be levied or payed; and for that time he is Tenant by Statute-Merchant.

More, That in a Statute-Merchant the Recogniſee ſhall have Execution of all the Lands which

which the Recogniſor had the Day of the Recogniſance made, and any time after, by force of the ſame Statute.

And when any Waſte or Deſtruction is made by the Recogniſee, his Executors, or him that hath his Eſtate, the Recogniſor or his Heirs ſhall have the ſame Law, as is before ſaid of the Tenant by Elegit.

If Tenant by Statute-Merchant hold over his Term, he that hath a Right may ſue againſt him a Venire fac' ad computandum, or elſe enter immediately, as upon Tenant by Elegit. See the Statute 11 E. 1. and of Acton Burnel, and 13 E. 1. De Mercatoribus.

Statute-Staple.

STatute-Staple is a Bond or Recognizance acknowledged before the Mayor of the Staple, and by force of ſuch Statute, the Creditor may take out Execution of the Body, Lands and Goods of ſuch Debtor by force of the Statute of 27 Ed. 3. cap. 9.

Star-chamber.

STar-chamber was an High Court held in the Star-Chamber at Weſtm. before the King, Peers and Judges, aboliſhed per Stat. 17 Car. 2. cap. 10.

Sterbrech.

STerbrech, alias Strebrech, is the Breaking, Obſtructing, or making leſs of a Way.

Stilyard.

STilyard is a Word uſed in the Statute of 22 H. 8. cap. 8. where the Hanſe-Merchants are called the Merchants of the Stilyard, which is a place in London where theſe Merchants or

que le Recogniſor avoit jour de la Recogniſance fait & aſcun temps puis, per force de meſme le Statute.

Et quant aſcun Waſt ou deſtruction eſt fait per le Recogniſee, ſes Executors, ou celuy que ad ſon Eſtate, le Recogniſor ou ſes Heirs averont meſme la Ley, come eſt ſuiſdit de le Tenant per *Elegit*.

Si le Tenant per le Statute-Merchant tient ouſter ſon terme, ceſtuy que ad droit poit ſuer envers luy un *Venire fac' ad computandum*, ou enter tantoſt, ſicome ſur Tenant per *Elegit*. Veies le Statute 11 *E.* 1. & de *Acton Burnel*, & 13 *E.* 1. *de Mercatoribus*.

Statute-ſtaple.

S*Tatute-ſtaple* eſt un Obligation ou Recognizance conus devant le Mayor del Staple. Et per force de tiel Stat. le Creditor poet aver execution del Corps, terres & biens del debtor per force del Stat. 27 *Ed.* 3. *cap.* 9.

Star-chamber.

S*Tar-chamber* fuit un haut Court teigne in Camera ſtellata a *Weſtm.* devant le Roy, les Peers & Judges, aboliſh per Stat. 17 *Car.* 2. *cap.* 10.

Sterbrech.

S*Terbrech*, alias *Strebrech*, *i. Viæ Fractio, Obſtructio, vel diminutio.*

Stilyard.

S*Tilyard* eſt un parol uſe en le Statute de 22 *H.* 8. *cap.* 8. lou les Merchants *Teutonicks* ſont appelles Merchants del *Stilyard*, que eſt un lieu en *Londres* lou ceux Merchants ou le

Fraternity d'eux ad lour abode. Et ceſt Meaſe eſt dit deſtre iſſint appel, pur ceo que edeſie ſur un Court pres le *Thames*, ou Acier ſoloit deſtre uſualment vendus.

Sub-pœna.

SUb-*pœna* eſt le noſm de un Brief fait en divers Courts de Ley & Equity; *viz.* in Chancery & touts auters Courts, a ſummoner teſmoins, & en ceo Court & en le Exchequer en Ley & Equity; & in le Common Pleas ſur Informations, *qui tam, &c.* a ſummoner Defendants, & iſſint en le Crown Office ſur Informations.

Subſidy.

SUbſidy eſt un Tax ou Tribute done per le Parliament al Roy ſur urgent occaſions del Realm, de eſtre levy del cheſcun Subject accordant al ſon Terres ou Biens.

Suffragan.

SUffragan eſt un parol uſe en le Statute de 26 *H.* 8. *cap.* 14 & ſignifie un titular Eveſque, ordeine de ayder & aſſiſter l'Eveſque del Dioces en ſon Spiritual Function. Et eſt appel *Suffraganeus* en *Latine*, pur ceo que per ſon *Suffrage* Eccleſiaſtical cauſes ſont eſtre adjudges.

Suggeſtion.

SUggeſtion eſt, un Information trahe en Eſcript, monſtrans cauſe pur aver un Prohibition, quel eſt relinque en Court, & eſt mention en le Stat. 2 *Ed.* 6. *cap.* 13.

their Brotherhood had their Abode. And the Houſe is ſaid to be ſo called becauſe built upon a Court-yard near the Thames, where Steel was wont to be much ſold.

Sub-pœna.

SUb-pœna is the Name of a Writ made in divers Courts of Law and Equity; viz. in Chancery, and all other Courts, to ſummon Witneſſes, and in that Court, and in the Exchequer in Law and Equity, and in the Common-Pleas upon Informations, qui tam, &c. to ſummon Defendants; and ſo in the Crown-Office upon Informations.

Subſidy.

SUbſidy is a Tax or Tribute granted by the Parliament to the King upon extraordinary occaſions of the Kingdom, to be levied upon every Subject according to his Lands or Goods.

Suffragan.

SUffragan is a Word uſed in the Statute of 26 H. 8. cap. 14. and ſignifies a Titular Biſhop appointed to aid and aſſiſt the Biſhop of the Dioceſs in his Spiritual Function. And he is called Suffraganeus in Latin, becauſe by his Suffrage Eccleſiaſtical Cauſes are to be adjudged.

Suggeſtion.

SUggeſtion, is an Information drawn in Writing, ſhewing Cauſe to have a Prohibition, which is left in Court, and is mentioned in the Statute 2 E. 6. cap. 13.

Sumage

Sumage.

SUmage ſeems to be a Toll for Carriage on Horſeback. Crom. Juriſd. f. 191.

Summons ad Warrantizandum, &c.

SUmmons ad Warrantizandum, and Sequatur ſub ſuo periculo: See of them after in the Title Voucher.

Supercargo, or Supracargo.

SUpercargo, or Supracargo, is a Factor or Agent, which goes with a Ship beyond the Seas, by order of the Owner of the Wares therein, and diſpoſes thereof: And the Maſter of the Ship is obliged to perform the Orders of ſuch Factor or Supercargo.

Superſedeas.

SUperſedeas is a Writ that lies in divers Caſes, as appears by F. N. B. f. 236. A. but it is always a Command to ſtay ſome ordinary Proceedings in Law, which ought otherwiſe to proceed.

Supplicavit.

SUpplicavit is a Writ iſſuing out of the Chancery, directed to the Sheriff and ſome Juſtices of the Peace in the County, or to one or more Juſtices without the Sheriff, for taking Surety of ſuch a one as it is prayed againſt, that he ſhould keep the Peace; and this is by the Statute of 1 E. 3. c. 16. See F. N. B. f. 80. C. and ſee the Stat. 21 Jac. c. 8.

Sumage.

SUmage ſemble deſtre Toll pur Carriage per chival. *Cromp. Juriſd. f.* 191.

Summons ad Warrantizandum, &c.

SUmmons *ad Warrantizandum*, & *Sequatur ſub ſuo periculo*: Veies de ceux apres en le Title *Voucher*.

Supercargo ou *Supracargo.*

SUpercargo ou *Supracargo*, eſt un Factor ou Agent que ale ove un neif ouſter le mere per order del Proprietor des Merchandizes en ceo, & diſpoſe d'eux: Et le Maſter del neif eſt oblige a performer les Orders de tiel Factor ou Supercargo.

Superſedeas.

SUperſedeas eſt un Brief que giſt en divers caſes, come appiert per *F. N. B. f.* 236. *A.* mes eſt touts foits un Precept pur tarier aſcun Proceſſe en Ley, que autrement doit ordinariment proceder.

Supplicavit.

SUpplicavit eſt un Brief iſſuant hors del Chancery direct al Viſcount & aſcuns Juſtices del Peace en le Countie, ou al un ou pluis Juſtices del Peace ſans le Viſcount, pur le prender del Suretie d'un tiel vers que eſt prie que il gardera le Peace: & ceo eſt per le Statute 1 *E.* 3. *cap.* 16. Veies *F. N. B. f.* 80. *C.* & veies ore le Statute de 21 *Jac. c.* 8.

Sur cui in vita.

SUr *cui in vita* eſt un Brief que giſt pur le Heir de un Inheritrix, lou le baron alien l'Inheritance ſa feme, & le feme moruſt devant que el ad ceo recover en un *Cui in vita*. Veies de ceo *F. N. B f.* 194. C.

Sur cui in vita.

SUr cui in vita is a Writ that lies for the Heir of an Inheretrix, whoſe Husband alened the Inheritance of his Wife, and the Wife died before ſhe recovered in a Cui in vita. See for this F. N. B. 194. C.

Surpluſage.

SUrpluſage venuſt del *Francois Surplus, i. e. Additamentum*, & ſignifie en le Ley, un Addition plus que beſoigne, que aſcun foits eſt le cauſe que un Brief abatera, mes en pleader mults foits eſt abſolutement void, & le reſidue del Plea eſtoyera bon.

Surpluſage.

SUrpluſage comes of the French Surplus, that is, an Overplus, and ſignifies in the Law an Addition of more than needs, which ſometimes is the Cauſe that a Writ ſhall abate, but in Pleading many times it is abſolutely void, and the reſidue of the Plea ſhall ſtand good.

Surrejoynder.

SUrrejoynder eſt un Reſpons al Rejoynder del Defendant, ou un ſecond enforcement del Declaration le Plaintiff.

Surrejoinder.

SUrrejoinder is an Anſwer to the Defendant's Rejoynder, or a ſecond inforcing of the Plaintiff's Declaration.

Surrender.

SUrrender (*Surſumreddition*) eſt le Conſent d'un particular Tenant, que ceſtuy en le Reverſion ou le Remainder viendra maintenant al poſſeſſion. Et ceo eſt ou un Surrender en Fait per un actual redoner del Eſtate; on en Ley, per acceptance d'un novel Leaſe, ou tiel auter act. Veies de ceo *Perkins, c.* 9.

Auxi eſt un act fait al Seigneur del Mannor ou ſon ſeneſchal, de Eſtate Copy-hold, ou fait per ſpecial Cuſtome de aſcun Mannors, a deux Copy-hold Tenants del Mannors, quel ſurrender doit eſtre preſent al procheine Court Baron.

Surrender.

SUrrender is the Conſent of a particular Tenant, that he in the Reverſion or the Remainder ſhall preſently have the Poſſeſſion. And this is either a Surrender in Deed by an actual yielding up of the Eſtate; or in Law, by the taking of a new Leaſe, or ſuch other Act. See of this, Perkins c. 9.

Alſo it is an Act done to the Lord of a Manor, or his Steward, of a Copy-hold Eſtate; or done by ſpecial Cuſtom of ſome Manors to two Copy-hold Tenants of the Manors, which Surrender ought to be preſented at the next Court-Baron.

Surro-

Surrogate.

SUrrogate is he who is appointed in the ſtead of another, moſt commonly of a Biſhop or his Chancellor.

Swainmote.

SWainmote or Swannimore, is a Court held thrice in a Year within a Foreſt, by the Statute of Charta de Foreſta, c. 8. for all the Free-holders of the Foreſt, for ſo much the Etymology of the Word imports; Mote in the Norman Speech ſignifying a Court, and Swain in the Saxon a Charterer, or Free-holder; ſo that Swannimote is the Court of the Free-holder. See of this Manwood's Foreſt Laws, cap. 33. f. 217, &c. at large.

Swainmote, in this Court Preſentments of Offences done to the Foreſt or Game are made and given in to the Juſtices in Eyre.

Syb *and* Som.

SYb & Som, i. e. Peace and Security. L. L. Eccles. Canuti Regis, c. 17.

Sylva cædua.

SYlva cædua, i. e. Wood under the Growth of twenty Years; it is alſo called Underwood, or Coppice Wood. 2 Inſt. 642.

Synodal.

SYnodal is a Tax paid in Money to the Biſhop or his Arch-Deacon, by the inferior Clergy at their Eaſter Viſitation.

Surrogate.

S*Urrogate* eſt celuy que eſt conſtitute en le lieu de un auter, pluis foits de un Eveſque ou ſon Chancellor.

Swainmote.

S*Wainmote*, ou *Swannimote*, eſt un Court tenus trois foits en un an deins un Foreſt, per le Statute de *Charta de Foreſta*, c. 8. pur touts les Franktenants del Foreſt; car iſſint le Etymologie del parol monſtre, *Mote* en le language *Normannois* ſignificant un Court, & *Swain* en le *Saxon* un Charterer, ou Franktenant: iſſint que *Swainmote* eſt le Court des Franktenants. Veies de ceo *Manw. For. Leys*, c. 23. f. 217, &c. alarge.

Swainmote, en ceſt Court. Preſentments de Offences al Foreſt ou Game ſont faits & dones eins al Juſtices en Eyre.

Syb & Som.

S*Yb & Som*, i. e. Pax & Securitas. *L. L. Eccleſ. Canuti Regis*, c. 17.

Sylva cædua.

S*Ylva cædua*, i. e. Boys deſoubs le growth de vigint ans; que eſt auxi appel Subboys ou Coppice Wood. 2 *Inſt.* 642.

Synodal.

S*Ynodal* eſt un Tribute pay en Argent al Eveſque ou a ſon Archdeacon per le inferior Clergy al lour Viſitation al Paſche.

T.

Tail ou *Fee-Tail.*

TEner en le *Taile* eſt, lou home tient certain Terres ou Tenements a luy & a ſes Heires de ſon corps engendres.

Si le Terre ſoit done a un home & a ſes Heirs males, & il ad Iſſue male, il ad Fee-ſimple; que fuit adjudge en Parliament. Mes lou Terres ou Tenements ſont dones a un home & a ſes Heires males de ſon corps engendres, il ad Fee-tail, & le Iſſue female ne ſerra inherite; ut patet *Anno* 14 *E.* 3. en un Aſſiſe, 18 *E.* 3. 45.

Fee-taile eſt, lou Terre eſt done a un home & ſes Heires de ſon corps engendres; & il eſt dit Tenant en le Taile general.

Si Terres ſont done al baron & ſeme, & al Heires de lour deux corps engendres, ore le baron & la ſeme ſont Tenants en le Taile eſpecial. Et ſi un d'eux devie, ceſtuy que ſurvive eſt Tenant en le Taile apres poſſibilite d'iſſue extinct; & ſi il face Waſte, il ne ſerra impeach de ceo. Vide *Littleton.*

Mes ſi le Roy done Terres a un home & a ſes Heirs males, & le Donee devie ſans iſſue male; donques le Coſin collateral del Donee ne enheritra, mes le Roy re-entra: & iſſint fuit adjudge en l' Exchequer.

T.

Tail *or* Fee-tail.

TO hold in the Tail is, where a Man holds certain Lands or Tenements to him and to his Heirs of his Body begotten.

If the Land be given to a Man and to his Heirs males, and he hath Iſſue male, he hath Fee-ſimple; which was adjudged in Parliament. But where Lands are given to a Man and to his Heirs males of his Body begotten, then he hath Fee-tail, and the Iſſue Female ſhall not inherit, as appears in the 14 Year of E. 3. in an Aſſiſe 18 E. 3. 45.

Fee-tail is, where the Land is given to a Man and the Heirs of his Body begotten; and he is called Tenant in Tail general.

If Lands are given to the Husband and Wife, and the Heirs of their two Bodies begotten, then the Husband and the Wife are Tenants in Tail eſpecial. And if one of them die, he that ſurvives is Tenant in Tail after Poſſibility of Iſſue extinct; and if he make Waſte, he ſhall not be impeached for it. See Littleton.

But if the King give Lands to a Man, and to his Heirs males, and the Donee dies without Iſſue male, then the Couſin collateral of the Donee ſhall not inherit, but the King ſhall reenter: and ſo it was adjudged in

in the Exchequer-Chamber, 18 H. 8. in an Information made against the Heir of Sir T. Lovel, Knight.

Tail after Poſſibility.

TO hold in the Tail after Poſſibility of Iſſue extinct is, where Land is given to a Man and his Wife, and the Heirs of their two Bodies engendred, and one of them overlives the other without Iſſue between them begotten; he ſhall hold the Land for Term of his own Life, as Tenant in the Tail after Poſſibility of Iſſue extinct: and notwithſtanding that he do Waſte, he ſhall never be impeached of it. And if he alien, he in the Reverſion ſhall not have a Writ of Entry in conſimili caſu, but he may enter, and his Entry is lawful, by R. Thorpe, Chief Juſtice, 28 E. 3. 36. & 45 E. 3. 25.

Tales.

TAles is a Supply of Men impanelled upon a Jury or Inqueſt, and not appearing, or at their Appearance challenged for the Plaintiff or Defendant as not indifferent, and in this Caſe the Judge upon Petition grants a Supply to be made by the Sheriff, of ſome Men there preſent, equal in Reputation to thoſe that are impanelled: and hereupon the very Act of ſupplying is called a Tales de circumſtantibus. This Supply may be of one or more, and of as many as ſhall either make Default or elſe be challenged by each Party. Staundf. Plac. Cor. l. 3. c. 5. Howbeit he that hath had one Tales, either upon Default or Challenge, though he may have another, yet he may not have the latter to contain ſo many as the

chamber 18 *H.* 8. en un Information fait vers l' Heire de Sir *T. Lovel* Chivaler.

Taile apres poſſibilitie.

TEner en le *Taile apres poſſibilitie de iſſue extinct* eſt, lou Terre eſt done a un home & ſa feme, & a les Heirs de lour deux corps engendres, & l'un d'eux ſurvive le auter ſans iſſue enter eux engendre; il tiendra le Terre a terme de ſa vie demeſne, come Tenant en le Tail apres poſſibilitie de Iſſue extinct: & non obſtant que il fait Waſte, il ne ſerra jammes impeach de ceo. Et ſi il alien, celuy en le Reverſion ne avera Brief de *Entre in conſimili caſu*, mes il poit enter, & ſon Entre eſt congeable, per *R. Thorpe Chief Juſtice*, 28 *E.* 3. 39. *&* 45 *E.* 3. 25.

Tales.

T*Ales* eſt un Supplie de homes impanele ſur un Jurie ou Enqueſt, & nient apparront, ou a lour apparence challenge pur le Plaintiff ou Defendant come nient indifferent, & en ceſt caſe le Judge ſur petition granta un Supplie deſtre fait per le Vicount, de aſcuns homes la preſent, egal en reputation ove ceux que fueront impannel: & ſur ceo le verie act de ſuppliant eſt appel *Tales de circumſtantibus*. Ceſt ſupplie puit eſtre d'un ou pluis, & de cy pluſors come ou ferront default ou ſerront challenge per aſcun partie, *Staundf. Plac. Cor. l.* 3 *c.* 5. Uncore ceſtuy que avoit ad un *Tales*, ou ſur default ou challenge, coment il poit aver un auter, uncore il ne poit a-

ver

ver le darreine de container cy pluſors come le primer: car le primer *Tales* doit eſtre deſouth le nonbre del principal Pannel, ſinon en un cauſe de Appeale; & iſſint cheſcun *Tales* meins que auter, jeſque le nombre ſoit repleit de homes preſent en Court, & tiels que ſont ſans exception al partie ou parties. Veies *Staundford* en le lieu devant, ou vous poyes trover aſcuns exceptions, al ceſt general Rule. Veies *Brook*, *f.* 105. & *Coke*, *l.* 10. *f.* 99. *Bewſage's* Caſe.

Talwood.

T*Alwood* eſt un terme uſe en les Statutes 34 & 35 *H.* 8. *c.* 3. & 7 *E.* 6. *c.* 7. & 43 *El. c.* 14. & ſignifie tiel Bois que eſt coup en brief Billets, pur le ſizer des queux ceux Statutes fueront ordeines.

Tam-quam.

CEluy qui ſequitur tam pro Domino Rege quam pro ſeipſo ſur Information pur breach de un penal Ley ou Statute per que aſcun penalty eſt done al party que proſecute.

Tax & Tallage.

T*Ax & Tallage* ſont payments, come Diſmes, Quinziſms, Subſide, ou ſemblables grant al Roy per Parliament.

Les Tenants en Ancient demeſne ſont quites de ceux Taxes & Tallages grants per Parliament; ſinon que le Roy taxe Ancient demeſne, come il poit quant a luy pleiſt pur grand cauſe. Veies *Ancient demeſne*.

former; for the firſt Tales ought to be under the Number of the principal Panel, except in a Cauſe of Appeal; and ſo every Tales leſs than other, until the Number be made up of Men preſent in Court, and ſuch as are without Exception to the Party or Parties. See Staundford in the Place before, where you may find ſome Exceptions to this general Rule. See Brook, f. 105. and Coke, 10. f. 99. Bewſage's Caſe.

Talwood.

TAlwood is a Term uſed in the Statutes of 34 & 35 H. 8. c. 3. and 7 E. 6. c. 7. and 43 Eliz. cap. 14. and ſignifies ſuch Wood as is cut into ſhort Billets, for the fixing whereof thoſe Statutes were made.

Tam-quam.

HE who proſecutes as well for the King as for himſelf upon an Information for Breach of any penal Law or Statute, whereby any Penalty is given to the Party that ſues.

Tax and Tallage.

TAx and Tallage are Payments, as Tenths, Fifteenths, Subſidies, or ſuch like, granted to the King by Parliament.

The Tenants in Ancient Demeſne are quit of theſe Taxes and Tallages granted by Parliament; except the King do tax Ancient Demeſne, as he may when he thinks good for ſome great Cauſe. See Ancient Demeſne.

Tenant

Tenant paravail.

TEnant Paravail. See Paravail.

Tender.

TEnder, is an Act done to save a Penalty of a Bond, and of Money for Rent or Contract before Diſtreſs or Action brought, and where it may be pleaded, and where Refuſal is peremptory, See Coke, 1. Inſt. 207, 208, 211. and Uncore priſt.

Tenure in Capite.

TEnure in Capite is, where any hold of the King as of his Perſon being King, and of his Crown, as of a Lordſhip by it ſelf in Groſs, and in Chief above all other Lordſhips: and not where they hold of him as of any Manor, Honor or Caſtle, except certain Ancient Honors; which appears in the Exchequer. See the Stat. 12 Car. 2. cap. 24.

Term of Years.

TO hold for Term of Years, is but a Chattel in effect; for no Action is maintainable againſt the Termor for Recovery of the Freehold, no Freehold being in him. A Leaſe for Term of Years is a Chattel real, and all Goods which are removeable are Chattels perſonal.

Terrar.

TErrar is a Book or Survey containing the ſeveral Lands, with their Bounds and Limits of any particular Perſon, or of a Town or Manor.

Tenaut Paravail.

T*Enant Paravail.* Veies *Paravail.*

Tender.

T*Ender* eſt un act fait a ſavet un penalty d'obligation, & des denyers due pur rent ou contract devant diſtreſſe ou Action port, & ou doit eſtre plead, & ou refuſal eſt peremptory, Vide *Coke 1 Inſtit.* 207, 208, 211, & *Uncore priſt.*

Tenure in Capite.

T*Enure en Capite* eſt, lou aſcun tient del Roy come de ſon Perſon eſteant Roy, & de ſon Corone, come dun Seigniorie per luy meſme en groſſe, & en chiefe deſuis touts auters Seigniories: Et nemy lou ils tient de luy come de aſcun Mannor, Honor, ou Caſtle, ſinon certaine ancient Honors; ut patet in Scaceario. Veies le Stat. 12 *Car.* 2. *cap.* 14.

Terme dans.

TEner *a terme dans* neſt forſque Chattel en effect; car nul Action eſt maintainable envers Termor quant a recoverer le Franktenement, nul Franktenement eſteant en luy. Leaſe a Terme d'ans eſt Chattel real, & touts Biens moveables ſont Chattels perſonal.

Terrar.

T*Errar* eſt un Livre ou Survey containant le particular Terres deins lour metes & limits de un particular Perſon ou de un Ville ou Manor.

Testament.

TEstament eſt iſſint define ou expound en *Plowdens* Commentaries; *Testamentum eſt Testatio mentis, & eſt compound de ceux deux parols*, Teſtatio & Mentis, *que iſſint ſignifie.* Veray il eſt, que un Teſtament eſt *Teſtatio mentis*, mes que il eſt un compound parol, *Aulus Gellius*, *lib.* 6. *cap.* 12. denie ceo al un excellent Lawyer, *Servius Sulpitius*, & dit, quo il eſt un ſimple parol, come ſont ceux, *Calceamentum*, *Paludamentum*, *Paviamentum*, & divers tiels ſemblables. Et mult meins eſt *Agreeamentum* un compound parol de *Aggregatio* & *Mentium*, come eſt dit en le Title de *Agreement*; car il ny ad nul tiel *Latine* parol, ſimple ou compound: mes il poit nient obſtant ſerve bien pur un Ley-*Latine* parol.

Et pur ceo il poit iſſint eſtre melior define; *Teſtamentum eſt ultimæ Voluntatis juſta ſententia, in eo quod poſt mortem ſuam fieri vult*, &c.

De *Teſtaments* il y ad deux ſorts, ſcilicet un *Teſtament en Eſcript*, & un *Teſtament per Parol*, que eſt appelle un *Nuncupative Teſtament*; que eſt, quant un home eſteant malade, & pur pavor que mort, ou fault de memorie, ou de parler, voyt vener cy ſodainment ſur luy, que il ſerra prevent, ſi il demurt le ſcripture de ſon Teſtament, requeſt ſes vicines ou amies de porter teſtmoigne de ſon darreigne Volunt, & donques declare ceo preſentment per parols devani eux, que apres ſon deceaſe eſt prove per Teſtmoignes, & mis en eſcript per le Ordinary, & donques

Teſtament.

TEſtament is thus defined in Plowden's Commentaries; ATeſtament is a Witneſſing of the Mind, and is compounded of theſe two Words *Teſtatio* and *Mentis*, which ſo ſignifie. Truth it is that a Teſtament is a Witneſs of the Mind, but that it is a compound Word Aulus Gellius lib. 6. cap. 12. doth deny to an excellent Lawyer, Servius Sulpitius, and ſaith, it is a ſimple Word, as are theſe, Calceamentum, Paludamentum, Paviamentum, and divers ſuch like. And much leſs is Agreeamentum, a compound Word of Aggregatio and Mentium, as is ſaid before in the Title of Agreement; for there is no ſuch Latine Word, ſimple or compound; but it may nevertheleſs ſerve for a Law-Latine Word.

And therefore thus it may better be defined; A Teſtament is the true Declaration of our laſt Will, in that we would to be done after our Death, &c.

Of Teſtaments there are two ſorts, namely, a Teſtament in Writing, and a Teſtament in Words, which is called a Nuncupative Teſtament; which is, when a Man being ſick, and for fear leſt Death, want of Memory, or Speech, ſhould come ſo ſuddenly upon him, that he ſhould be prævented, if he ſtaid the writing of his Teſtament, deſires his Neighbours and Friends to bear Witneſs of his laſt Will, and then declares the ſame preſently by Words before them, which after his Deceaſe is proved by Witneſſes, and put in Writing by the Ordinary, and then ſtands in as good force as

if

if it had at the first in the Life of the Testator been put in Writing; except only for Lands, which are not devisable, but by a Testament put in Writing in the Life of the Testator.

By the Stat. of 29 Car. 2. cap. 3. All Devises of Lands or Tenements shall be made in Writing, and signed by the Party devising, or by some other in his Presence, by three or four Witnesses. And such Will shall not be revoked unless by Writing, or by Cancelling of the same by the Testator himself, or by some other in his Presence, by his Consent or Direction: So a Will in Writing of a Personal Estate, shall not be revoked by Words only, except in the Life of the Testator, or be put in Writing and read to him, and he agrees thereto. A Parol Will of above 30 l. shall not be good, unless it be proved by the Oath of three Witnesses.

Thanus.

THanus is a Word which sometimes signifies a Noble-man, sometimes a Free-man, a Magistrate, an Officer or Minister. Lambard in the Word Thanus. Skene saith, it is a name of Dignity, and appears to be equal with the Son of an Earl. And Thanus was a Free-holder, holding his Lands of the King: And a Man taken with the manner accused of Larceny, no sufficient Proof being brought against him, must purge himself by the Oath of 27 Men, or three Thanes. The King's Thanage signifies a certain part of the King's Lands or Property, whereof the Rule and Government appertains un-

il est de cy bone force come si cest ad al primes en le vie del Testator estre mis en escripi: except solement pur Terres, que ne sont devisable forsque per un Testament en escript en la vie del Testator. ☞ Per le Stat. 29 *Car.* 2. *cap.* 3. Touts Devises de Terres ou Tenements serront fait en escript & sign per le Party devisant ou per ascun auter en son presence per trois ou quater Testmoignes. Et tiel Testament ne serra revoke si non per escript ou cancelling de ceo per le Testator mesme ou per ascun auter en son presence per son consent ou direction. Issint un Testament en escript de personal Estate ne serra revoke per parols solement si non en le vie le Testator, ou soit mise en escript & lie a luy, & il agree a ceo. Un parol Volunt que vault pluis que 30 *l.* ne serra bon si ne soit prove per le serement de Trois Tesmoignes.

Thanus.

T*Hanus* est un parol que ascun foits implya un Noble home, ascun foits un Frank-home, un Magistrate, un Officer, ou Minister. *Lambard* verbo *Thanus*. *Skeus* dit, que est un nosme de dignity, & appiert destre equal ove le fitz de un Count. Et *Thanus* fuit un Frank-tenant tiendront ses Terres del Roy; & un home prise ove le frang accuse de Larcenie, null bone testmoigne esteant port vers luy, devoit purger luy mesme per le serement de 27 homes, ou de 3 *Thanes*. *Thanagium Regis* implia un certain part des Terres le Roy ou propertie, de que le

Rule

Rule & government appertient a luy, que pur ceo eſt appel *Thanus*; car *Demania Regis & Thanagia* ſignificant un & meſme le choſe.

Theftbote.

THeftbote eſt, quant home priſt aſcun biens dun Laron, de luy favourer & maintainer; & nemy quant home priſt ſes biens demeſne que fueront emblees de luy, *&c.*

Le puniſhment en ancient temps de *Theftbote* fuit de Vie & de member: Mes a ore *Staundf.* dit que il eſt puniſh per Ranſome & Impriſonment. Sed quære, car jeo penſe ceo eſtre Felonie.

Them.

THem, hoc eſt, Quod habeatis totam generationem Villanorum veſtrorum cum eorum Sectis & Catallis, ubicunque in *Anglia* fuerint inventa; excepto quod ſi aliquis Nativus quiet' per unum annum & diem in aliqua Villa privilegiata manſerit, ita quod in eorum Communiam vel Gildam, tanquam unus illorum, receptus fuerit, eo ipſo a Villenagio liberatus eſt.

Tithes.

TIthes. Veies *Diſmes.*

Title.

TItle eſt, lon loyal cauſe eſt veigne a un home de aver choſe que auter ad, & il nad aſcun Action pur ceo; come Title de Mortmain, ou de enter pur Condition enfreint.

Theftbote.

THeftbote is, when a Man takes any Goods of a Thief or favour or maintain him and not when a Man takes his own Goods, that were ſtole from him, &c.

The Puniſhment in ancient Time of Theftbote was of Life and Member: But now at this Day Staundford ſaith it is puniſhed by Ranſom and Impriſonment. But enquire farther, for I think it is Felony.

Them.

THem, that is, That you ſhall have all the Generation of your Villains, with their Suits and Cattel, whereſoever they ſhall be found in England, except that if any Bond-man ſhall remain quiet one Year and a Day in any privileged Town, ſo that he ſhall be received into their Commonalty or Guild, as one of them, by that means he is delivered from Villenage.

Tithes.

TIthes. See Diſmes.

Title.

TItle is, where a lawful Cauſe is come upon a Man to have a Thing which another hath, and he hath no Action for the ſame; as Title of Mortmain, or to enter for Breach of Condition.

Title of Entry.

TItle of Entry is, when one ſeiſed of Land in Fee makes a Feoffment thereof upon Condition, and the Condition is broken; after which, the Feoffor hath Title to enter into the Land, and may do ſo at his pleaſure, and by his Entry the Freehold ſhall be ſaid to be in him preſently.

And it is called Title of Entry, becauſe he cannot have a Writ of Right againſt the Feoffee upon Condition, for his Right was out of him by the Feoffment, which cannot be reduced without Entry, and the Entry muſt be for the Breach of the Condition.

Toft.

TOft is a Place wherein a Houſe once ſtood, but is now all fallen or pulled down.

Toll, *or* Tolne.

TOll, or Tolne, is moſt properly a Payment uſed in Cities, Towns, Markets, and Fairs, for Goods and Cattel brought thither to be bought and ſold; and is always to be paid by the Buyer, and not by the Seller, except there be ſome Cuſtom otherwiſe.

There are divers other Tolls; as Turn-Toll, which is where Toll is paid for Beaſts that are driven to be ſold, although they be not ſold indeed.

Toll travers is, where one claims to have a Half-penny or ſuch like Toll of every Beaſt driven over his Ground.

Through-Toll is, where a Town preſcribes to have certain Toll for every Beaſt that goes

Title de Entre.

TItle de Entre eſt, quant un ſeiſie de Terre en fee fait Feoffment de ceo ſur Condition, & le Condition eſt enfreint: apres quel, le Feoffor ad Title de entre en le Terre, & iſſint poit quant a luy pleiſt, & per ſon Entrie le Frank-tenement ſerra dit en luy maintenant.

Et eſt appel *Title de Entre* pur ceo que il ne poit aver Brief de Droit envers ſon Feoffee ſur Condition, car ſon droit fuit hors de luy per le Feoffment, le quel ne poit eſtre reduce ſans Entre, & le Entre doit eſtre pur le enfreinder de le Condition,

Toft.

TOft eſt un lieu en que un Meaſe fuit un foits eſteant, mes eſt ore tout eſchue ou eraſe.

Tol, ou *Tolne.*

TOl ou *Tolne* eſt pluis properment un payment uſe en Cities, Villes, Markets & Fairs, pur biens & catals port la deſtre achate ou vende: & eſt touts foits deſtre pay per le Achatour, & nemy per le Vendor, ſinon que ſoit aſcun Cuſtome al contrarie.

Il y ad divers auters *Tols*; come *Turn Tol*, que eſt lou *Tol* eſt pay pur Avers queux ſont drives deſtre vendus, coment que ils ne ſont vendus.

Tol travers eſt, lou un claime daver un ob. ou tiel ſemble Tol, de cheſcun Beaſt drive ſur ſon Terre.

Through Tol eſt, lou un Ville preſcribe de aver certain Tol pur cheſcun Beaſt que ale

through lour Ville, ou pur cheſcun vint ou cent: que ne appiert deſtre cy unreaſonable Preſcription ou Cuſtome, come aſcuns ont ſuppoſe, nient obſtant il ſoit per le Hault chimin del Roy, (ſicome ils ceo appel) lou cheſcun poit loyalment paſs, ſi y ad quid pro quo; Come ſi la ſoit un Pont, ou tiel ſemblable commodity, purvey al coſts & charges del Ville, pur le eaſe de travailers que chaſe meſme voy, pur que lour Journey eſt ou abridge ou fait le melieur, pur que donques ne poit Tol eſtre demand loyalment & ove bone reaſon de eux? *&c.*

Mes divers Citizens & Burgeſſes ſont quite de payer Tol per le grant del Roy ou ſes anceſtors, ou claime ceo per Preſcription ou Cuſtome Iſſint auxy Spiritual perſons & Religious homes ſueront quite de Tol pur lour biens & merchandizes achate & vendus, *&c.* Mes ore le Statute del 21 *H.* 8. *c.* 13. voit que ils ne merchandiſera.

Item Tenants en ancient demeſne doient eſtre quite per toute le Realme de payer Tol, come appiert devant en le Title *Sockman.* Et en touts caſes ou Tol eſt demand de eux que doyent aler, achate, & vende quite de Tol, la le party ou parties grieve poyent aver un Brief *De eſſendo quietum de Tolonio,* direct a luy ou ceux que iſſint demand Tol contra al grant le Roy ou ſes progenitors, ou contra al Cuſtome ou Preſcripion.

through their Town, or for every ſcore or hundred; which ſeems not to be ſo unreaſonable a Preſcription or Cuſtom as ſome have thought, though it be through the King's High-way, (as they call it) where every Man may lawfully go, if there be one thing for another: As if there be a Bridge, or ſuch like Commodity, provided at the Coſts and Charges of the Town, for the eaſe of Travellers that drive that Way, whereby their Journey is either ſhortned or bettered, why then may not Toll be lawfully and with good Reaſon demanded of them? &c.

But divers Citizens and Townſmen are free from paying Toll, by Grant of the King or his Anceſtors, or do claim the ſame by Preſcription or Cuſtom. So alſo Spiritual Perſons and Religious Men were quit of paying Toll for their Goods and Merchandizes bought and ſold &c. But now the Statute of 21 H. 8. cap. 3. wills that they ſhall not merchandize.

Alſo Tenants in Antient Demeſne ought to be quit throughout the whole Realm of paying Toll. as appears before in the Title Sockmans. And in all Caſes where Toll is demanded of them that ſhould go buy and ſell Toll-free, there the Party or Parties grieved may have a Writ De eſſendo quietum de Tolonio, directed to him or them that ſo demand Toll contrary to the Grant of the King or his Progenitors, or contrary to Cuſtom or Preſcription.

Tolt.

TOlt comes from the Latin tollo, and is a Writ by which a Cauſe depending in a Court-Baron may be from thence removed into the County-Court before the Sheriff. See of this Fitz. Nat. Brev. fol. 3. F. and Old Natura Brevium, fol. 2. a.

Tonnage.

TOnnage is a Cuſtom or Impoſt paid unto the King for Merchandize carried out or brought in in Tuns, or ſuch like Veſſels, according to a certain Rate in every Tun. And of this you may read in the Statutes of 12 E. 4. cap 3. 6 H. 8. c. 14. 1 E. 6. c. 13. and 1 Jac. 33. but eſpecially 12 Car. 2. cap 4.

Totted.

TOtted is a Term uſed in the Statute of 42 E. 3. c. 9. and ſignifies a Note to be made in the Eſtreat-Roll that goes out of the Exchequer to the Sheriff, of all ſuch Debts as are paid unto the Sheriff, ſo that they be not again demanded of the Party, nor the King deceived. See the Statute.

Tranſcript.

TRanſcript, this moſt commonly ſignifies the Certification of a Record upon a Writ of Error from the King's Bench in Ireland unto the K. B. in England, or from that Court into the Exchequer-Chamber, for the Record it ſelf is not certified, but a Tranſcript: But out of C. B. and other inferior Courts, the Record is quite taken away by the Writ of Error, and remains in B. R. Co. Ent, 2. 24, 37.

Tolt.

TOlt (*Tolta*) venuſt del *Latin tollo*, & eſt un Brief per que un Cauſe dependant en un Court-baron poit eſtre illonques remove en le County Court devant le Viſcount. Veies de ceo *Fitz. Nat. Brev. f.* 3. *F.* & *Veil. N. B. f.* 2. *a.*

Tonnage.

TOnnage eſt un Cuſtome ou Impoſt pay al Roy pur merchandize import ou export en *Tuns*; ou aſcun tiels veſſels, ſolonque un certain rate en cheſcun Tun. Et de ceo poies lier en les Statutes de 12 *E.* 4. *c.* 3. 6 *H.* 8. *c.* 14. 1 *E.* 6. *c.* 13. & 1 *Jac. c.* 33. mes eſpecialment 12 *Car.* 2. *c.* 4.

Totted.

TOtted eſt un terme uſe en le Statute de 42 *E.* 3. *cap.* 9. & ſignifie un Note deſtre fait en le Rolle des Eſtreats que iſſuiſt hors del Exchequer al Viſcount, des touts tiels Debts come ſont payes al Viſcount iſſint que ne poyent eſtre auter foits demand del party, ne le Roy deceive. Veies le Statute.

Tranſcript.

TRanſcript, ceo pluis communement ſignifie le certification d'un Record ſur Brief d'Error hors de B. le Roy en *Ireland* en B R. en *Angletere*, & de cel Court en le Court de Exchequer Chambre, car le Record meſme neſt certifie, mes un tranſcript: Mes hors de C. B. & auters inferior Courts le Record eſt tout ouſtrement toll per le Brief d'Error, & remain in B. R. *Coke Entr.* 2. 24, 37.

Travers.

Travers aſcun foits implia a Denyer, aſcun foits a Subverter ou defaire un choſe fait. Pur le primer, *Weſt. p. 2. ſect.* 54. parlante d'un Reſpons a un Bill en le Chancery, dit, Que il eſt ceo que le Defendant pleade ou dit en barre de avoider le Bill del Plaintiff ou Action, ou per confeſſion & avoydance, ou per deniant & traverſant des material points du ycel: Et arere *Sect.* 55. un Replication eſt le parlance del Plaintiffs ou Reply al Reſpons del Defendant, que doit de affirmer & purſuer ſon Bill, & conuſtre, & avoyder, denyer, ou traverſer le Reſpons del Defendant; & les formal parols de ceſt Travers ſont, *Sans ceo*, ou en *Latin*, *Abſque hoc*. Veies *Kitch fol* 227.

L'auter ſignification eſt trove en *Staundf Prerog cap.* 20. per tout le Chapter, que perlant del *Traverſing d' un Office*, dit, Que ceo eſt riens auter forſque approver que un Inquiſition fait de biens ou terres per le Eſcheator eſt defective, & fauxment fait. Iſſint *Traverſing d' un Indictment* eſt, a prender Iſſue ſur le primer matter du ycel, que eſt riens auter que a faire contradiction, ou denyer le point del Endictment: Come en Preſentment vers *A* pur un Hault chimin ſurround ove eau, pur defaulte de eſcourance d'un Foſſe que il & ceux que Eſtate il ad en certaine Terres la ont uſe d' eſcowrer & clenſer, *A* poit *traverſer* ou le matter, ceſt adire, Que la neſt aſcun Hault chimin la, ou que le Foſſe eſt ſufficient eſcowre, ou auter-

Travers.

Travers ſometimes ſignifies to deny, ſometimes to overthrow or undo a Thing done. For the firſt, Weſt. p. 2. ſect. 54. ſpeaking of an Anſwer to a Bill in the Chancery, ſaith, It is that which the Defendant pleads or ſays in Bar to avoid the Plaintiffs Bill or Action, either by confeſſion and avoiding, or by denying and traverſing the material Points of it: And again, Sect. 55. A Replication is the Plaintiff's Speech or Reply to the Defendant's Anſwer, which muſt affirm and purſue his Bill, and confeſs, and avoid, deny, or traverſe the Defendant's Anſwer; and the formal Words of this Traverſe are, Without that, in Latin, Abſque hoc. See Kitch. fol. 227.

The other Signification is found in Staundf. Prerog. cap. 20. the whole Chapter, who ſpeaking of Traverſing an Office, ſaith, That it is nothing elſe, but to prove that an Inquiſition taken of Goods or Lands by the Eſcheator is defective, and untruly made. So Traverſing an Indictment is, to take Iſſue upon the chief Matter of it, which is nothing elſe but to make Contradiction, or deny the Point of the Indictment: As in a Preſentment againſt A. for a Highway overflown with Water, for Default of ſcowring of a Ditch which he and they whoſe Eſtate he hath in certain Land there have uſed to ſcowr and cleanſe, A. may Traverſe either the Matter, that is to ſay, That there is not any High-way there, or that the Ditch is ſufficiently ſcowred; or otherwiſe he may traverſe the

Cauſe,

Cauſe, That he hath not the Land, &c. or that he and thoſe whoſe Eſtate, &c. have uſed to ſcowr the Ditch, Lamb. Eiren. lib. 4 pag. 521. of Travers. See the whole Chapter in Kitch. fol. 240. and the Old Book of Entries, the word Travers.

Treaſon.

TReaſon is in two manners, that is to ſay, grand Treaſon, and petit Treaſon, as it is ordained by the Statutes. And therefore look the Statutes, and Staundford, lib. 1. cap. 2.

Treaſure trove

TReaſure trove (i. e. Treaſure found) is, when any Money, Gold, Silver, Plate or Bullion is found in any Place, and no Man knows to whom it belongs; then the Property thereof appertains to the King. But if any Mine of Metal be found in any Ground, that always pertains to the Lord of the Soil, except it be a Mine of Gold or Silver, which ſhall be alway to the King, in whoſe Ground ſoever it be found.

Trebuchet.

TRebuchet, or Tribuch, is a Tumbrel or Cucking-ſtool.

Treſpaſs

TReſpaſs is a Writ or Action of Treſpaſs, whereof there are two Sorts. The one Vicountiel, ſo called, becauſe it is directed to the Sheriff, and is not returnable, but to be determined in the County: The Form whereof differs from the other, becauſe it hath not theſe Words, Quare vi & armis, &c. Fitz. N. B fol. 85. B. The other is directed

ment il poit traverſer le Cauſe, Que il nad le Terre, &c. ou que il & ceux que Eſtate, &c. ont uſe de eſcowrer le Foſſe, *Lambard Eirenarch lib. 4. pag.* 521. de *Travers* Veies tout le Chapter en *Kitch. fol.* 240. & le *Veil Livre de Entries*, verbo *Travers.*

Treaſon.

T*Reaſon* eſt en deux manners, ceſtaſcavoire, *hault Treaſon*, & *petit Treaſon*, come eſt ordeine per les Statutes. Et ideo vide Statuta, & *Staundford, lib.* 1. *cap.* 4.

Treaſure trove.

T*Reaſure trove* eſt, quant aſcun Money, Ore, Argent, Plate, ou Bullion eſt trove en aſcun lieu, & nul conuſt a que le property eſt; donques le property de ceo appertient al Roy. Mes ſi aſcun Mineral de Metal ſoit trove en aſcun terre, ceo touts foits pertient al Seignior del Soile, forſque que il ſoit Mineral del Ore ou Argent, queux ſerront touts foits al Roy, en quecunque terre ſoit trove.

Trebuchet

T*Rebuchet* ou *Tribuch* eſt un Tumbrel ou Cucking-ſtool.

Treſpaſs.

T*Ranſgreſſion* eſt un Brief ou Action de Treſpas, de queux la ſont deux ſorts. L' un *Vicountiel*, iſſint appel, pur ceo que il eſt direct al Viſcount, & neſt returnable, mes deſtre determine en le Counte: Le forme de que differt del auter, pur ceo que nad ceux parols, *Quare vi & armis, &c FNB. fol.* 85. *g.* L' auter eſt direct

al Viſcount auxy, mes eſt returnable en Bank le Roy ou le Common Bank, & avoit touts foits en ceo ceux parols, *Quare vi & armis*, ou auterment il abatera, come appiert en *Fitz. N. B. fol. 86. h.* ſinon que ſoit un Treſpaſſe ſur le Caſe, & adonque les parols, *Vi & armis* ſont waive hors, & en lieu d'eux le Brief dirra en le fine de ceo, *Contra pacem, &c.* come appiert en *F. N. B. fol. 91. d.* Et uncore en aſcuns caſes Treſpaſſe ſur le Caſe ſerra *Vi & armis* auxy, coment que nemy en le point del Action, ou le *cauſa cauſata*, uncore en le conveyance al Action, & le *cauſa cauſante*, come eſt bien diſtinguiſh en le *Count de Salops Caſe, in Coke, l. 9. 50. b.*

to the Sheriff alſo but is returnable in the Kings Bench or Common Pleas, and hath always in it theſe Words, Quare vi & armis, or elſe it ſhall abate, as it appears in Fitz. N. B. fol. 86. h; if it be not a Treſpaſs upon the Caſe, and then the words Vi & armis are left out, and in lieu thereof the Writ ſhall ſay in the end of it, Contra pacem, &c. as appears in Fitz. Nat. Brev. fol. 92. c. And yet in ſome Caſes Treſpaſs upon the Caſe ſhall be Vi & armis alſo, though not in the Point of the Action, or the cauſa cauſata, yet in the Conveyance to the Action, or the cauſa cauſante, as is well diſtinguiſht in the Count de Salop's Caſe, in Coke lib. 9. fol. 50. b.

Trial.

T*Rial*, ſont pluſors manners de ceo, come des matters en Fact, que ſerront trie per les Jurors: matters en Ley, per ler Juſtices; matters de Record, per Record meſm. Un Seignior de Parliament, ſur Indictment de Treaſon ou Felonie, ſerra trie per ſes Peers, ſans aſcun Serement, ſur lour Honours & Allegiances; mes en Appeale al Suit de aſcun ſubject ils ſerra trie *per probos & legales homines.* Si Ancient Demeſne ſoit pleade de un Mannor, & denie, ceo ſerra trie per le Record del Livre de *Doomſday* en l' Eſchequer. Un Apoſtata ſerra certifie per le Abbot ou auter Religious Governour a que il doit Obedience. General Baſtardie, Excommengement, Loyaltie de Matrimonie, Profeſſion, & divers auters matters Eccleſiaſtical, ſerront tries per le Certi-

Trial.

TRial, there are many kinds of it; as of matters in Fact, which ſhall be tried by the Jurors: matters in Law, by the Juſtices; matters of Record, by the Record it ſelf. A Lord of Parliament, upon an Indictment of Treaſon or Felony, ſhall be tried by his Peers, without any Oath, upon their Honors and Allegiance; but in Appeal at the Suit of any Subject they ſhall be tried per probos & legales homines. If Ancient Demeſne be pleaded of a Manor, and denied, this ſhall be tried by the Record of the Book of Doomſday in the Exchequer. An Apoſtata ſhall be certified by the Abbot or other Religious Governor to whom he owes Obedience. General Baſtardy, Excommengement, Lawfulneſs of Marriage, Profeſſion, and divers other matters Eccleſiaſtical, ſhall be tried by the Biſhop's Certificate.

tate. And a great number of other Trials there are, whereof ſee Coke lib. 9. the Caſe of the Abbot of Strata Marcella, fol. 23.

By witneſſes De morte viri in Dower, where the Tenant pleads, That the Husband of the Demandant is alive. Raſ. En. 228.

Triors.

TRiors are ſuch who are choſen by the Court to examine whether the Challenge made to the Panel, or any of them be true or no. Bro. Tit. Challenge 122, & Old Nat. Brev. 158.

Tronage.

TRonage is a certain Toll taken for Weighing. Weſtm. 2. cap. 25. & 13 Edw. 1.

Trover.

TRover is an Action which a Man hath againſt another, that having found any of his Goods, refuſes to deliver them upon Demand. See the Old Book of Entries, word Trover.

Tumbrel.

TUmbrel, ſee in the Title Cuckingſtool; and ſee the Statute of 51 H. 3. cap. 6. for the uſe of it.

Turbary.

TUrbary, (from the old Latine Word Turba, which was uſed for a Turf) is an Intereſt of digging Turfs upon a Common: And you ſhall find an Aſſiſe brought of ſuch a Common of Turbary, in 5 Aſſ. pl. 9. & 7 E. 3. fol. 43. b.

ficate del Eveſque. Et un grand number des auters *Trials* la ſont, de queux veies *Coke lib.* 9. le Caſe de le Abbot del *Strata Marcella, fol* 23.

Per teſtes *De morte viri* in Dower, ou le Tenant plead que le Baron del Demandant eſt vivant. *Raſt. Entr.* 228.

Triours.

T*Riours* ſont ceux qui ſont eleſt per le Court de examiner ſi le Challenge fait al Panel, ou aſcun de eux ſoit voier ou nemy, *Bro. Tit. Challenge* 122, *& Vet. N. B* 158.

Tronage.

T*Ronage*, eſt un certaine Toll priſe pur Weighing. *Weſtm.* 2. *c.* 25. & 13 *Edw.* 1.

Trover.

T*Rover* eſt un Action que home ad vers un auter, que aiant trove aſcun de ſes biens, refuſa a deliver eux ſur demande. Veies le *Veil Livre de Entries*, parol *Trover.*

Tumbrel.

T*Umbrel*, veies en le Title *Cuckingſtool*; & veies le Statute de 51 *H.* 3. *c.* 6. pur le uſe de ceo.

Turbary.

T*Urbary*, (*Turbaria*, del vieux *Latin* parol *Turba*, que fuit uſe pur un *Turf*) eſt un intereſt de foder *Turfs* ſur un Common: Et troveres un Aſſiſe port dun tiel Common de *Turbary* en 5 *Aſſiſe*, *pl.* 9. & 7 *E.* 3. *fol.* 43. *b.*

Turne del Viſcount.

TUrne del Viſcount eſt un Court de Record en touts choſes que pertain al *Turn*, & eſt le Leet le Roy per tout le Countie, & le Viſcount eſt Judge. Et quecunque ad un Leet, ad meſme le authority deins le Precinct ſicome le Viſcount ad deins le *Turne*.

Ceſt Court eſt deſtre tenus deux foits cheſcun an, un foits apres Paſche, & arere puis *Michaelmas*, & ceo deins un mois apres cheſcun Feaſt, *An.* 31 *E.* 3. *cap.* 15. De ceſt Court ſont exempt ſolement Archieveſques, Eveſques, Abbots, Priors, Countes, Barons, Religious homes & femes, & touts ceux queux ont Hundreds de lour demeſne deſtre tenus. Ceſt Court eſt apperteinant & incident al Office del Viſcount & ne doit eſtre ſever de ceo; & le Viſcount eſt de conſtituer Clerks ſouth luy en ceſt Court, tiels pur que il voile a ſon peril reſponder: Mes il ne poit perſcriber de prender aſcun choſe pur le tener de ſon *Turne*, pur ceo que il eſt un Officer removeable. Veies *Coke l.* 4. 33. & *l.* 6. 12. & *Daltons* Livre de Viſcounts, *tit. Sheriffs Turne.*

Sheriffs-Turn.

SHeriffs-Turn, is a Court of Record in all things that pertain to the Turn, and it is the King's Leet through all the County, and the Sheriff is Judge. And whoſoever hath a Leet, hath the ſame Authority within the Precinct as the Sheriff hath within the Turn.

This Court is to be kept twice in every Year, once after Eaſter, and again after Michaelmas, and that within one Month after each Feaſt, Anno 31 Edw. 3. cap. 15. From this Court are exempted only Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, all Religious Men and Women, and all ſuch as have Hundreds of their own to be kept. This Court is appertaining and incident to the Office of the Sheriff, and ought not to be ſevered therefrom; and the Sheriff is to appoint Clerks under him in this Court, ſuch as he will at his Peril anſwer for: But he cannot preſcribe to take any thing for the keeping of his Turn, becauſe he is an Officer removeable. See Coke, l. 4. 33. & l. 6. 2. and Dalton's Book of Sheriffs, tit. Sheriffs Turn.

V. Va-

V.

Vacation.

VAcation. See Plenartie.

Vagabonds.

VAgabonds, are idle and unprofitable Men, punishable by the Statute 31 Eliz. 4. & 1 Jac. 7. & 25.

Value of Marriage.

VAlore Maritagii is a Writ that lay for the Lord against his Ward, to recover against him the Value of his Marriage at his full Age, for that he was not Married by his Lord within Age. And this Writ lay, although the Lord never tendered unto the Ward any convenient Marriage. See Palmer's Case Coke l. 5. f. 126. b. and the Stat. 12 Car. 2. c. 24.

Venditioni exponas.

VEnditioni exponas, is a Judicial Writ directed to the Sheriff, to sell Goods seised by a Fieri facias.

Venire facias.

VEnire facias, it is a Process directed to the Sheriff, or to the Coroners (if the Sheriff be challenged) to summon a Jury to try an Issue joined between Party and Party, or the King and a Subject; and it is also a Process upon an Audita Querela, or upon an Indictment in the

V.

Vacation.

V*Acation.* Veies *Plenartie.*

Vagabonds.

V*Agabonds*, sont idle & inutile homes, puniable per Stat. 39 *E.* 4. *&* 1 *Jac* 7. *&* 25.

Value del Marriage.

V*Alore Maritagii* est un Brief que gisoit pur le Seignior vers son gard, pur recover vers luy le Value de son Marriage a son plein age, pur ceo que ne fuit marrie per son Seignior deins age. Et ceo Brief gisoit coment que le Seignior ne unques tender al Gard ascun convenable Marriage. Veies *Palmers Case, Coke l.* 5. *f.* 126. *b.* & le Stat. 12 *Car.* 2. *c.* 24.

Venditioni exponas.

V*Enditioni exponas*, est un Judicial Brief direct al Viscount a vender biens seize per un *Fieri facias.*

Venire facias.

V*Enire facias* est un Proces direct al Viscount, ou as Coroners (si le Viscount est challenge) a summon un Jury a tryer un Issue joine perenter partie & partie, ou le Roy & un Subject; & est auxy un Proces super *Audita Querela*, ou sur Indictment en Bank le

Roy,

Roy, & *Venire facias ad computandum* vers Tenants per *Elegit*.

Venue.

VEnue (*Vicinetum*) eſt un terme uſe en le Stat. de 35 *H.* 8. *c.* 6. & frequentment en noſtre Livres, & ſignifie un lieu *prochein* a ceo lou aſcun choſe que venuſt deſtre trie eſt ſuppoſe deſtre fait. Et pur ceo pur le melior diſcoverie del veritie del matter en fait ſur cheſcun Trial, aſcun des Jurors ſerront del meſme le Hundred, ou aſcun foits de meſme le Pariſh ou *Neighbourhood*, en que le choſe eſt ſuppoſe deſtre fait, queux per entendment poient aver le melieux conuſance del choſe. Veies *Arundels Caſe*, *Coke*, *l.* 6. *f.* 14. *a.*

Verderor.

VErderor eſt un Officer en les Foreſts del Roy, eſlieu per les Franktenants del Countie lou le Foreſt eſt, per Brief direct al Viſcount de ceo faire, come appiert per les Livres del *Regiſter*, & del *Nature des Briefs*: & ſont appelles en *Latine Viridarii*, de le parol *Viridis*, en *Anglois Green*, en *Francois Verd*; car un grand part de lour Office eſt touchant le *Verd*, ceſtaſcavoir, le Boies & Herbes creſſant en le Foreſt; per quel veies pluis en le Charter & Leys del Foreſt.

Verdict.

VErdict eſt le reſponſe done al Court per le Jury de aſcun Cauſe civil ou criminal commit a lour Trial. Et eſt ou General, ou Special. General quant ils donant lour

King's Bench, or Venire facias ad computandum, againſt Tenant by Elegit.

Venue *or* Viſne.

VEnue, or Viſne, is a Term uſed in the Statute of 35 H. 8. c. 6. and often in our Books, and ſignifies a Place next to that where any Thing that comes to be tried is ſuppoſed to be done. And therefore for the better Diſcovery of the Truth of the matter in Fact upon every Trial, ſome of the Jury muſt be of the ſame Hundred, or ſometimes of the ſame Pariſh or Neighbourhood, in which the thing is ſuppoſed to be done, who by Intendment may have the beſt Knowledge of the matter. See Coke, 6 Book, f. 14. 1. Arundel's Caſe.

Verderor.

VErderor is an Officer in the King's Foreſt, choſen by the Free-holders of the County where the Foreſt is, by a Writ directed to the Sheriff to do it, as appears by the Books of the Regiſter, and of the Nature of Writs: And they are called in Latine, Viridarii, of the word Viridis, in Engliſh Green, in French Verd; for a great part of their Office is touching the Verd, to wit, the Wood and Grals growing in the Foreſt; for which ſee more in the Charter and Laws of the Foreſt.

Verdict.

VErdict is the Anſwer given to the Court by the Jury, of any Cauſe Civil or Criminal committed to their Tryal: And is either General or Special: General when they give their Verdict

Verdict in General Terms according to the Iſſue; Special when they find it at large according to the Evidence given, and thereupon pray the Direction of the Court, as to what the Law is in ſuch Caſe.

Verge.

VErge is the Compaſs about the King's Court, which bounds the Juriſdiction of the Lord Steward, and the Coroner of the King's Houſe, ſo that he cannot intermeddle in the County forth of the Verge, becauſe his Office extends not thereunto; as the Coroner of the County cannot intermeddle within the Verge, which is exempted out of his Office by the Common Law. And it ſeems againſt Reaſon, that their Offices and Juriſdictions being ſeveral, ſhould intermeddle one within the Juriſdiction of the other. And this Verge ſeems to be twelve Miles. See 13 R. 2. Stat. 1. c. 3. F. N. B. f. 241. Britton f. 86. Fleta, l. 2. c. 2. Coke, l. 4. f. 46. 33 H. 8. c. 12.

Verge in another Signification is uſed for a Stick or Rod by which one is admitted Tenant, and holding it in his Hand, takes the Oath of Fealty to the Lord of the Manor, and for that Cauſe is called Tenant by the Verge. See Old N. B. f. 17 & Littl. l. 1. c. 10.

Vert or Verd.

VErt comes of the French Verd, and ſignifies with us in the Forreſt Laws every thing that doth grow and bears a green Leaf within the Forreſt: And it is divided into Over Vert and Neather Vert. Over Vert is the great Woods, and Neather Vert

Verdict en generals terms accordant al Iſſue. Special, quant ils trovant ceo al large purſuant al Evidence done, & dont ils priont le direction del Court le quel le Ley eſt en tiel caſe.

Verge.

V *Erge* eſt le Compaſs environ le Court le Roy que limit le Juriſdiction del Seignior Seneſchal & del Coroner del Hoſtel le Roy, iſſint que il ne poit intermeddle deins le Countie hors del Verge, pur ceo que ſon Office ne extende a ceo; come le Coroner del Countie ne intermedlera deins le *Verge*, que eſt exempt hors de ſon Office per le Common Ley. Et ſemble enconter reaſon, que lou Offices & Juriſdictions eſteant ſeveral, l'un intermedlera deins le Juriſdiction del auter. Et cel *Verge* ſemble deſtre doze milliaries. Veies 13 R. 2. *Stat.* 1. *c.* 3. *F. N. B. f.* 241. *Britton, f.* 86. *Fleta, l.* 2. *c.* 2. *Coke, l.* 4. *f.* 46. 33 *H.* 8 *c.* 12.

Verge en un auter ſignification eſt uſe pur un Stick ou Rod per que un eſt admit Tenant & tiendront ceo en ſon maine, fait Serement de Fealtie al Seignior del Manor, & pur ceo eſt appel *Tenant per le Verge*. Veies *Veil N. B. f.* 17. & *Littl. l.* 1. *c.* 10.

Vert.

V *Ert* venuſt de *Franceis Verd*, & ſignifie oveſque nous en les Leys del Foreſt cheſcun choſe que creſce & port un fueille *verde* deins le Foreſt: & eſt divide en *Over Vert* & *nether Vert*. *Over Vert* eſt le Hault Bois, & *nether Vert* eſt

le

South Bois. La eſt auxy en Foreſts un Vert appel *ſpecial Vert*, & ceo eſt touts Arbres creſcants en les demeſne Bois le Roy deins le Foreſt, & touts Arbres queux creſcont icy en les Bois des aut's, ſils ſont tiels arbres queux portont fruicts pur le fodder des Dames: & ceux ſont dits *ſpecial Vert*, pur ceo que le deſtroyer de tiel Vert eſt pluis grandment punie que le deſtruction de auter Vert eſt. Veies *Manwoods For. Leys, c. 6. f 52. a.*

Vetitum namium.

V *Etitum namium.* Veies *Withernam.*

Vicar.

LE Prieſt de aſcun Pariſh, lou les predial Diſmes ſont impropriate, eſt appel Vicar, *quaſi vice fungens Rectoris.*

Vicountiels.

V *Icountiels* ſont Fermes iſſint appelle, pur quel le Viſcount paye certein Rent al Roy, & fait le melieur profit de ceux que il poit. Veies le Stat. 33 & 34 *H* 8. *c.* 16.

View

V *Iew* eſt, quant aſcun Action real eſt port, & le Tenant ne ſcavoit bien quel Terre il eſt que le Demandant demand; donques le Tenant priera le *View*, ſcil. que il poit *veier* le Terre que il claima. Mes ſi le Tenant ad ew le *View* en un Brief, & puis le Brief eſt abatus per miſnoſmer de la Ville, ou pur Joyntenure, & puis le Demandant port un auter Brief vers le Tenant; donques le Tenant is the Under-Woods. There is alſo in Foreſts a Vert called Special Vert, and that is all Trees that grow in the King's own Woods within the Foreſt, and all Trees that grow there in other Mens Woods, if they be ſuch Trees as bear Fruit to feed the Deer; which are called Special Vert, becauſe the deſtroying of ſuch Vert is more grievoully puniſhed than the deſtruction of other Vert is. See Manwood's Foreſt Laws, c. 6. f. 52. a.

Vetitum namium.

V Etitum namium. See Withernam.

Vicar.

THE Prieſt of every Pariſh where the Predial Tithes are impropriated, is called Vicar quaſi vice fungens Rectoris.

Vicountiels.

V Icountiels are Farms ſo called, for which the Sheriff pays certain Rent to the King and makes the beſt profit he can of them. See the Stat. 33 & 34 H. 8. c. 16.

View.

V Iew is, when an Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks; then the Tenant ſhall pray the View, that is, that he may ſee the Land which he claims. But if the Tenant hath had a View in one Writ, and after the Writ is abated in miſnaming the Town, or by Jointenure, and after the Demandant brings another Writ againſt the Tenant; then the Tenant ſhall not

not have the View in the ſecond Writ.

View of Frank pledge.

View of Frank pledge (*Viſus franci plegii*) is the Power to hold a Turn or Leet, in which Courts every Free-man in ancient time became bound with Sureties at the Age of fourteen Years, for his Truth to the King and his Subjects: and thereupon thoſe Courts were called the View of the Free Pledges, that is, of ſuch Free-men as were Pledges or Sureties one for another. See Deciners.

Vi Laica removenda.

VI Laica removenda is a Writ that lies where Debate is between two Parſons or Proviſors for a Church, and one of them enters into the Church with great power of Lay-men, and holds the other out with force and Arms; he that is holden out ſhall have this Writ directed to the Sheriff, that he remove the Power which is within the Church; and the Sheriff ſhall be commanded, that, if he find any Men him withſtanding, he take with him the Power of his County, if need be, and arreſt the Bodies of all thoſe that reſiſt, and put them in Priſon, ſo that he have their Bodies before the King at a certain Day, to anſwer the Contempt. And this Writ is returnable, and ſhall not be granted, before the Biſhop of the Place where ſuch Church is, hath certified in the Chantery ſuch Reſiſting and Force.

nant navera le *View* en le ſecond Brief.

View de Frank pledge.

View de Frank pledge (*Viſus franci plegii*) eſt le poyar de tener un Tourne ou Leet, en queux Courts cheſe Frankehome en ancient temps deveigne lye ove Sureties al age de 14 ans pur ſon Fidelitie al Roy & ſes ſubjects. Et ſur ceo ceux Courts fueront appels le *View de Frank Pledges*, ceſtaſcavoir, des tiels Frankhomes queux deveignont icy Pledges ou Sureties le un pur l'auter. Veies *Deciners*.

Vi Laica removenda.

VI Laica removenda eſt un Brief que giſt lou Debate eſt perenter deux Parſons ou Proviſors d'un Eſgliſe, & l'un enter en l'Eſgliſe ove grand power de Lay-homes, & tient le auter dehors ove force & arms; celuy que eſt tenus dehors avra le dit Brief direct al Viſcount, que il remova ceſt power que eſt deins l'Eſgliſe: & ſerra command al Viſcount, que ſil trove aſcun homes luy reſiſtant, que il prendra oveſque luy la Poyar de ſon Countie, ſi beſoigne ſoit, & ſerra attache per lour corps touts ceux luy reſiſtants, & les mittera en priſon, iſſint que il eyt lour corps devant le Roy a certeine jour, de reſponder del Contempt. Et ceſt Brief eſt retournable, & ne ſerra grant, devant que le Eveſque del lieu lou tiel Eſgliſe eſt eyt certifie en le Chancerie tiel Reſiſtance & Force.

Villein & Villeinage.

TEner en pure *Villeinage* eſt, a faire tout ceo que le Seignior luy voit commander.

Le diviſion de *Villeinage* eſt, *Villeine de ſanke, & de tenure.* Et il eſt *Villein* de que ſon Seignior prent Redemption de ſa file marrier, & ſoy meſme enfranchiſe; & le Seigniour puit luy ouſte de ſes Terres ou Tenements a ſa Volunt, & auxy de touts ſes Biens & Chateux.

Sockman neſt pas pure Villein, ne Villein doit pas Garde, Marriage, ne Relief, ne fait auters Services reals.

Tenure en *Villeinage* ne ferra Frank-home Villein, ſil ne ſoit continue ouſter le temps de memory; ne Villein terre ferra Frank-home Villein, ne frank terre ferra Villein frank; ſinon que le Tenant avoit continue frank ouſter le temps de memory.

Mes un Villein ferra Frank terre villein per Seiſin, ou per Claime de ſon Seignior.

Si Villein purchaſe Terre, & prent feme, & alien, & devy devant le Claime ou Seiſin de ſon Seignior, la feme ferra endowe.

En caſe le Seignior port *Præcipe quod reddat* envers le Alienee ſon Villein, le quel vouch a garranter le iſſue de le Villein que eſt Vilein al Seignior, il avera le Voucher. Et per proteſtation le Seignior poit (non obſtant que il plede ove ſon Villein) ſave que ſon Villein ne ſerra my enfranchiſe.

Baſtard ne ſerra jammes adjudge Villein, ſinon per conuſans en Court de Record.

Villain *and* Villainage.

TO hold in pure Villainage is to do all that the Lord will him command.

The Diviſion of Villainage is Villain of Blood, and of Tenure. And he is a Villain of whom the Lord takes Redemption to marry his Daughter, and to make him Free: And it is he whom the Lord may put out of his Lands or Tenements at his will, and alſo of his Goods and Chatels.

A Sockman is no pure Villain, nor does a Villain owe Ward, Marriage, or Relief, nor does he any other Services real.

Tenure in Villainage ſhall make no Freeman Villain, if it be not continued time out of mind; nor ſhall Villain Land make a Free-man Villain, nor Free-land make Villain Free; except the Tenant have continued Free beyond the time of memory.

But a Villain ſhall make Free-land Villain by Seiſin, or by Claim of the Lord.

If a Villain purchaſe Land, and take a Wife, and alien, and dies before the Claim or Seiſin of the Lord, the Wife ſhall be endowed.

In caſe the Lord bring a Præcipe quod reddat, againſt the Alience of his Villain, who vouches to warrant the Iſſue of the Villain which is Villain to the Lord, he ſhall have the Voucher. And by Proteſtation the Lord may (notwithſtanding he plead with his Villain) ſave his Villain from being infranchiſed.

A Baſtard ſhall not be judged Villain, but by Knowledge in Court of Record.

If

If Debt be due by a Lord to a Free-man, and he makes two Men his Executors who are Villains to the said Lord, and die, the Villains shall have an Action of Debt against their Lord. And notwithstanding that he plead with them, and if he make Protestation, they shall not be thereby infranchised; for that they are to recover their Debt to the Use of another Person, that is to say, their Testator, and not to their own Use.

And if the Tenant in Dower have a Villain who purchases certain Land in Fee, and after the Tenant in Dower enters; he shall have the Land to her and her Heirs for ever. And the same Law is of Tenant for Term of Years of a Villain.

The Lord may rob, beat, and chastise his Villain at his will: save only that he may not Maim him, for then he shall have an Appeal of Maihem against him.

A Villain may have three Actions against his Lord; that is to say, an Appeal of the Death of his Ancestor, an Appeal of Rape done to his Wife, and an Appeal of Maihem.

If two Parceners bring a Writ of Niefty, and one of them be Nonsuit, the Nonsuit of him shall be judged the Nonsuit of both, so that if that Nonsuit be after Appearance, they shall be barred from that Action for ever; for such is the Law in favour of Liberty.

If two have a Villain in common, and one of them makes him a Manumission, he shall not be made free against both.

Si Det soit due per un Seignior a un Frank home, & il face deux homes ses Executors les queux sont Villeins al dit Seigniour, & devie, les Villeins averont Action de Det envers lour Seigniour. Et nient obstant que il plede oves que eux, & il face protestation, ils ne serront pur tant enfranchise; pur ceo que ils sont de recover le Det al use de un auter person, cestascavoir, lour Testatour, & nient a lour use demesne.

Et sy le Tenant en Dower eyt un Villein, le quel purchase certain Terre en fee, & puis le Tenant en Dower enter; el avera le Terre a luy & ses heirs a touts jours. Et mesme Ley est de Tenant a terme de ans de un Villein.

Le Seigniour poit rob, naufrer, & chastiser son Villein a son volunt: salve que il ne poit luy maim, car donques il avera Appel de maihem envers luy.

Un Villein poit aver trois Actions envers son Seigniour; cestascavoir un Appeale de mort son ancestor, un Appeale de Rape fait a sa feme, & un Appeale de maime.

Si deux Parceners port Brief de *Niefty*, & l'un de eux soit Nonsuit, le Nonsuit de luy serra adjudge le Nonsuit de ambideux, issint que si le Nonsuit soit apres Appearance, ils serront barre de cest Action a touts jours; car le Ley est tiel *in favorem Libertatis*.

Si deux ount un Villein en common, & l'un de eux fait a luy Manumission, il ne serra my infranchise envers ambideux.

En

En Brief *de Native habendo*, il covient que le Seigniour monstre coment le Defendant aveigne privy de sank a celuy Villein de que il est Seigniour, *&c.* Et si il ne nul de ses ancestors ne soit seisie de nul de son sanke, il ne gainera per son Action, si le Villein nad pas conus en Court de Record luy estre son Villein.

En un Brief de *Niefty* ne purront estre mis plusors *Niefs* que deux; & hoc introductum suit prius in odium Servitutis. Mes en Brief *de Libertate probanda*, purront estre mis tants *Niefs* come le Plaint' voudera.

Si le Villein soit sue en Ancient Demesne del Roy, ou auter Ville priviledge, deins lan & jour le Seignior poit luy seiser; & si demurt en la dit Ville ou lieu Franchise per un an & jour, sans le seisine de son Seignior, il nad my power de luy sesie apres, si il ne va de hors de suisdit Franchise.

Ascuns sont Villeins per title de Prescription, cestascavoire, que tout lour sanke ont estre Villeins regardants a le Manor du Seignior de temps dont memory ne curt.

Et ascuns sont fait Villeins per lour Confession en un Court de Record. Auxy le Seignior poit faire un Manumission a son Villein, & luy infranchise a tout jours.

Si le Villein port ascun Action vers son Seignior, si ne soit Appeale de maihem, & le Seignior a ceo sans protestation fait respons, per ceo le Villein est franches.

Auxy si un Villein purchase Terre, & ad Biens, & vend les Terres & Biens devant as-

In a Writ de Nativo habend it behoves that the Lord she how the Defendant comes to priby of the Blood of the Villa of whom he is Lord, &c. A if he nor any of his Ancesto were seised of any of his Bloo he shall not gain by his Actio if the Villain have not acknob ledged himself in Court of R cord to be his Villain.

In a Writ of Niefty may n be put more Niefs than two; a this was first introduced in h tred of Bondage. But in Writ de Libertate probanda, ma be put as many Niefs as t Plaintiff will.

If the Villain be fled into A cient Demesne of the King, or ther Town priviledged, with a Year and a Day the Lord ma seise him; and if he dwell in t same Town, or other Plac franchised by a Year and a Da without Seisin of the Lord, h hath no Power to seise him after if he go not out of the foresai Franchise.

Some are Villains by title Prescription, that is to say that all their Blood have bee Villains regardants to the Ma nor of the Lord from time out mind.

And some are made Villains by their Confession in a Court of Record. Also the Lord ma make a Manumission to his Vil lain, and enfranchise him fo ever.

If a Villain bring any Action against his Lord, other than a Appeal of Maihem, and the Lord without Protestation mak answer to it, by this the Villain is made Free.

Also if a Villain purchase Land and hath Goods, and sell the Goods and Lands before any

Entry

Entry or Seiſin made by the Lord, and the Sale is good. But the King, Lord of a Villain, in ſuch Caſe may enter and ſeiſe the Land after ſuch Sale made: For no time runs againſt the King.

Note, That this Title and Tenure are aboliſhed by the Statute of Car. 2. R.

Villainous judgment.

VIllainous Judgment is that which is given upon an Indictment of Conſpiracy, viz. that the Party found guilty ſhall loſe the Benefit of the Law, ſhall never more be ſworn in Juries or Aſſiſes, nor admitted to give any Teſtimony elſewhere; and if he have to do in the King's Courts, he ſhall come by Attorney, and not in Perſon; that his Lands, Goods and Chattels ſhall be ſeiſed in the King's hands, and eſtreaped, if he find not the more Favour, and his Trees digg'd up, and his Body impriſoned. See 24 E. 3. fol. 34. b. & 27 Aſſ. pl. 59.

Virgata terræ.

VIrgata terræ. See Yardland.

Viſcount.

VIſcount is either the Name of a Degree or State of Honour under an Earl, and above a Baron; or elſe the Name of a Magiſtrate and an Officer of great Authority, whom we commonly call (Sheriff,) or, to ſpeak more truly, (Shire reve,) and was at the firſt called (Shire gereve) that is, the Keeper of the Shire, or the Reeve or Ruler of the Shire; for (Gereve) is derived of the Saxon Word Gerefa, i. a Ruler.

cun Entre ou Seiſin fait per le Seignior, la vender eſt bone. Mes le Roy, Seignior de Villein, en tiel caſe poit enter & ſeiſer le Terre apres tiel vendition fait: *Quia nullum tempus occurrit Regi.*

Note, que cel title & tenure ſont abolie per Statute *Car. Secundi R.*

Villenous judgment.

V*Illenous judgment* eſt ceo que eſt done ſur un Indictment del Conſpiracy, ſcilicet, que le party trove culpable perdera ſon franke Ley, ne ſerra plus miſe en Juries ou Aſſiſes, ne aylors en Teſtmoignance del veritie: & ſi il ad a faire en Courts le Roy, il face ſon Attourney, & nemy viene en ſon perſon demeſne; que ſes Terres, Biens & Chattels ſont ſeiſies en maines le Roy, & eſtrepes, ſi ne poit melior grace aver, & ſes Arbres eraſes, & ſon Corps impriſon. Veies 24 E. 3. *fol.* 34. *b.* & 27. *Aſſ. pl.* 59.

Virgata terræ.

V*Irgata terræ.* Veies *Yardland.*

Viſcount.

V*Iſcount* eſt ou le noſme de un degree ou ſtare de Honor ſoubs un Countee, & paramount un Baron; ou le noſme de un Magiſtrate & Officer del grand Authority, que nous communement appellom' (*Sheriff*) ou, de parler plus veraiment, (*Shire reve*) & fuit al primes appel (*Scire gereve*) ceſt adire, Cuſtos Comitatus, ou le *Reve* ou Ruler del Countie; car (*Gereve*) eſt derive de *Saxon* parol (*Gerefa*) i. un Ruler.

Et de ceo vient (*Portreve* ou *Portgreeve*,) un noſme en veil temps done al chief Officer d' un Ville, & ſignifie le Governor del Ville; pur ceo que (*Port*) veniens de *Latine* parol (*Portus*) ſignifie un Port ville, & (*Gereve*) eſteant derive come eſt avandit ſignifie un Ruler, iſſint que *Portgreve*, ou, come nous a ore briefment parle un *Portreve* eſt le Governor del Ville.

Et iſſint fuit le chief Officer ou Governor del Citie de *Londres* long temps paſt (devant que ils ad le noſme del Maior ou Bailiffs) appel, come il appiert en divers vieulx minuments; mes principalment en le *Saxon* Charter de *Guilliam* le Conquerour, que iſſint commence

William *le King greit* William *Biſcop*, & Godfrey *ges Portgereſant*, & *dalle tha Barqwatren theon* Londres *beon*, &c.

Iſſint ils de *Germany* (de que nous & noſtre Language primerment vient) appel un Governor *Burgreeve*, un auter *Margreeve*, & un auter *Lan'ſgreeve*, ove tielx ſemblables, &c.

Ceſt tant eſt dit tant ſolemont pur monſtre le droit Etymon & Antiquity de parol (*Sheriff*,) a quel Officer noſtre Common Ley ad touts foits done ſi grand confidence & authority, come deſtre un ſpecial Preſerver del Peace. Et pur ceo touts Obligations que il priſt a meſme le purpoſe, ſont come Recogniſances en Ley.

Il eſt un Judge de Record quant il tient les Leets ou Turnes, les queux ſont Courts de Record.

Item il ad le Execution & Return des Briefs, & impan-

And hereof comes (Portreve, or Portgreve) a Name in old time given to the head Officer of a Town, and ſignifies the Ruler of the Town; for that (Port) coming of the Latine word (Portus) ſignifies a Port-Town, and (Greve) being derived as aforeſaid, ſignifies a Ruler: ſo that Portgreve, or, as we now ſhorter ſpeak, a Portreve, is the Ruler of the Town.

And thus was the Head Officer or Governor of the City of London long ſince (before they had the name of Mayor or Baliffs) called, as it doth appear in divers old Monuments, but chiefly in the Saxon Charter of William the Conqueror, which begins thus;

William the King greeteth William the Biſhop, and Godfrey the Portreve, and alſo the Citizens that in London be, &c.

So alſo they of Germany (from whom we and our Language firſt came) call one Governor Burgreeve, another Margreeve, and another Landſgreeve, with ſuch like, &c.

Thus much is ſaid only to ſhew the right Etymon and Antiquity of the word (Sheriff;) to which Officer our Common Law hath always given ſo great Truſt and Authority, as to be a ſpecial Preſerver of the Peace. And therefore all Obligations that he takes to that end, are Recogniſances in Law.

He is a Judge of Record when he holds the Leets or Turns, which are Courts of Record.

Alſo he hath the Execution and Return of Writs, and impanelling

panelling of Juries, and ſuch like, &c.

Viſitation.

VIſitation is an Act performed by the Biſhop in viſiting the Churches and their Rectors within his Dioceſs once in three Years, or by the Archdeacon once a Year.

Vivary.

VIvary is a Place on Land or Water where living Creatures are kept. In a legal ſenſe it generally ſignifies a Park, Warren or Fiſhery.

Uncore priſt.

UNcore priſt is a Plea for the Defendant in Debt upon an Obligation, who being ſued becauſe he did not pay the Debt at the Day, pleads, to ſave the Forfeiture, that he tendred the Money at the Day and Place, and that no Body was there to receive it; and ſays over, that he is yet ready to pay it. And where a Man ought to plead over, that he is yet ready, and where not, ſee in Perkins, ſect. 783, & 784. & Coke 9 book, fol. 79. a, b, in Peyto's Caſe.

Volunt.

VOlunt is, when the Tenant holds at the Will of the Leſſor, or Lord, and that is in two manners.

One is, when I make a Leaſe to a Man of Lands, to hold at my Will, then I may put him out at my Pleaſure; but if he ſow the Ground, and I put him out, then he ſhall have his Corn, with Egreſs and Regreſs till it be ripe, to cut and carry it out of the Ground.

nelling des Juries, & tiels ſemblables, &c.

Viſitation.

V*Iſitation* eſt un act perform per le Eveſque en viſitant Eſgliſes & lour Rectors deins ſon Dioceſe ſemel en trois ans, ou per le Archdeacon ſemel en un an.

Vivary.

V*Ivary* eſt un lieu ſur le terre ou eau lou choſes vivants ſont reſerve. En ley il communement ſignifie un Park, Warren ou Piſcary.

Uncore priſt.

U*Ncore priſt* eſt un Plee pur le Defendant en Det ſur Obligation, que eſteant ſue pur ceo, que ne paya le Det al jour, plead, pur ſaver le Forfeiture, que il tender les deniers al jour & lieu, & que nul fuit la pur receiver, & dit ouſter que il eſt *uncore priſt*, de payer. Et lou home doit pleader ouſter *uncore priſt*, & lou nemy, veies en *Perkins, ſect.* 783, & 784. & *Coke lib.* 9. *fol.* 79. *a, b. en Peyto's Caſe.*

Volunt.

V*Olunt* eſt, quant le Tenant tient a le Volunt del Leſſor ou Seignior: & ceo eſt en deux manners.

Un eſt quant jeo face Leaſe a un home de Terres, a tener a ma Volunt, donque jeo puiſſe luy ouſt' a mon pleaſure: mes ſi il emblee le Terre, & jeo luy ouſta, donques il avera ſon Emblement, & egreſſe & regreſſe jeſques ils ſont mature, pur eux ſcier & carier hors del terre.

Tiel Tenant a Volunt nest pas tenus de sustainer & repairer le Meason, sicome Tenant a terme de ans est tenus: Mes si il fait voluntary Waste, le Lessor avera vers luy un Action de Tresspasse.

Auxy la est auter Tenant a Volunt del Seignior, per Copy de Court Roll, solonque le Custom del Manor: & tiel Tenant poit surrender le Terre en les maines le Seignior, per le Custom, al use d'un auter pur vie, en fee, ou fee taile; & donques il prendra le Terre del Seignior, ou son Seneschal, per Copy, & ferra Fine al Seignior. Mes si le Seignior ousta tiel Tenant, il nad remedy mes de suer per Petition. Et si tiel Tenant voile implcade un auter des Terres, &c. il covient enter un Plaint, en le Court, & countera en le nature del quel Brief il voit, sicome le case gist.

Such Tenant at Will is not bound to sustain and repair the House, as Tenant for Years is: But if he make wilful Waste, the Lessor shall have against him an Action of Tresspass.

Also there is another Tenant at Will of the Lord, by Copy of Court-Roll, according to the Custom of the Manor; and such a Tenant may surrender the Land into the Hands of the Lord, according to the Custom, to the Use of another for Life, in Fee or in Tail; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord. But if the Lord put out such a Tenant, he hath no Remedy but to sue by Petition. And if such a Tenant will implead another of the Lands, &c. he ought to enter a Plaint in the Court, and shall declare in the Nature of what Writ he will, as the Case lies.

Voucher.

VOucher est, quant un *Præcipe quod reddat* de Terre est port vers un home, & un auter doit garrant le Terre al Tenant; donques le Tenant luy *vouchera* a Garrantie, & sur ceo il avera un Brief appel *Summoneas ad Warrantizandum.* Et si le Viscount re urne que il nad riens per que il poit estre summon, donques issera Brief. appel *Sequatur sub suo periculo.* Et quant il vient, il pleadera ovesque le Demandant. Et si il ne vient, ou vient, & ne poit barre le Demandant, donques le Demandant recovera le Terre vers le Tenant, & le Tenant recovera tant de Terre en va-

Voucher.

VOucher is, when a Præcipe quod reddat of Land is brought against a Man, and another ought to warrant the Land to the Tenant; then the Tenant shall vouch him to Warranty, and thereupon he shall have a Writ called Summoneas ad Warrantizandum. And if the Sheriff return that he hath nothing by which he may be summoned, then there shall go forth a Writ called Sequatur sub suo periculo. And when he comes, he shall plead with the Demandant. And if he come not, or if he come, and cannot bar the Demandant, then the Demandant shall recover the Land against the Tenant, and the Tenant

nant ſhall recober as much in Value againſt the Vouchee; and thereupon ſhall have a Writ called Capias ad Valentiam againſt the Vouchee.

See more of Voucher before, in the Title of Garranty.

Voyer dire.

A Witneſs is ſaid to be examined upon a Voyer dire, where he is ſworn and examin'd whether he be not a Party intereſted in the Cauſe, as well as the Perſon for whom he is a Witneſs, that is to ſay, the Plaintiff or Defendant.

Uſes.

USes of Land had beginning after the Cuſtom of Property began amongſt Men; as where one being ſeiſed of Lands in Fee-ſimple, made a Feoffment to another without any Conſideration, but only meaning that the other ſhould be ſeiſed to his Uſe, and that he himſelf would take the Profits of the Lands, and that the Feoffee ſhould have the Poſſeſſion and Franktenement thereof to the ſame Uſe, &c.

Now after this, upon good Conſiderations, and to avoid divers Miſchiefs and Inconveniences, was the Statute of An. 27 H. 8. c 10. provided, which unites the Uſe and Poſſeſſion together, ſo that he who hath the Uſe of the Land hath the Poſſeſſion thereof, according to the Uſe he hath therein, by virtue of that Statute.

Uſufructuary.

USufructuary is he who hath the Uſe or reaps the Profits of any thing.

lue vers le *Vouchee*; & ſur ceo il avera un Brief appel *Capias ad valentiam* vers le *Vouchee*.

Vide plus de *Voucher* devant, Tit. *Garrantie*.

Voyer dire.

UN Teſtmoigne eſt dit d' eſtre examine ſur un *Voyer dire*, lou il eſt jure & examine lequel il ne ſoit un Partie intereſſe en la Cauſe cy bien come le perſon pur que il eſt un Teſtmoigne, c'eſt a dire, le Plaintiff ou Defendant.

Uſes.

U*Ses* de Terre ad ſon commencement apres que le cuſtome de Propertie commence enter homes, come ou un eſteant ſeiſe de Terres en Fee-ſimple, fait un Feoffment al un auter ſans aſcun Conſideration, mes ſolement meaning que l'auter ſerroit ſeiſie al ſon *Uſe*, & que il meſme voile prender le Profits de les Terres, & que le Feoffee doit aver le Poſſeſſion & Franktenement de ceo al meſme le uſe, &c.

Ore apres ceo, ſur bone Conſiderations, & pur avoider divers miſchiefs & inconveniences, fuit le Statute de *An.* 27 *H.* 8. *c.* 10. purview, quel unite le *Uſe* & Poſſeſſion enſemble, iſſint que il que ad le *Uſe* de Terre, ad le Poſſeſſion de ceo, accordant al Uſe que il avoit en ceo, per vertue de ceſt Statute.

Uſufructuary.

U*Sufructuary* eſt celuy que avoit le uſe ou prendre les profits de aſcun choſe.

Uſurpation.

U*Surpation* eſt pluis communement uſe quant aſcun p eſent un Rector ou Vicar al Eſgliſe ſans bone title. *Stat. Weſtm.* 2. *cap.* 5. *Co* 6. *Rep.* 51. & 11 *Rep.* 33.

Uſury.

U*Sury* eſt un Gaine d'aſcun choſe ouſter le Principal, ou ceo que fuit lent, exact ſolement en conſideration de le Loan, ſoit il de Corne, Viand, Apparel, Wares, ou tiels ſemblables, come de Monie.

Et icy mult poit eſtre dit, & divers Caſes mis concernant Uſurie, le queux de purpoſe jeo omit; ſolement jeo pria, que ceux que accompt eux meſmes religious & bone Chriſtians ne voilent deceive eux meſmes per colour de le Statute de *Uſury*, pur ceo que le Statute dit, que il ne ſerra loyal pur aſcun de prender ouſter vi l. en le C l. pur un an, &c. per que ils collect (mes fauxment) que ils poyent prender vi. l. pur le Loan d'un C. l. ove un bone Conſcience, pur ceo que le Statute ſolonque un manner diſpenſe ove ceo, (pur ceo que il ne puniſhe tielx prendors.) Car Dieu voile aver ſes Decrees obſerve inviolable, que dit, *Lend, expectant nul choſe pur ceo*, &c. Per queux parolx eſt exclude le priſel de vi. l. v. l. ou de un denier ouſter le Principal. Mes plus penſant tiels, que ceſt Statute fuit fait ſur tiel ſemblable cauſe, que movant *Moſes* de doner un Bill de Divorce a les *Iſraelites*, come noſmement pur avoider un greinder miſchief, & pur le duritie de lour cœurs.

Uſurpation.

USurpation is moſt commonly uſed when any one preſents a Rector or Vicar to a Church without a good Title. Stat. Weſtm. 2. cap. 5. Co. 6. Rep. 51. & 11. Rep. 33.

Uſury.

USury is a Gain of any thing above the Principal, or that which was lent, exacted only in Conſideration of the Loan, be it as well Corn, Meat, Apparel, Wares, or ſuch like, as Money.

And here much might be ſaid, and many Caſes put concerning Uſury, which of purpoſe I omit; only I wiſh they who account themſelves Religious and good Chriſtians, would not deceive themſelves by colour of the Statute of Uſury, becauſe the Statute ſaith, that it ſhall not be lawful for any to take above vi. Pounds in the C. l. for a Year, &c. whereby they gather (though falſly) that they may therefore take ſix Pounds for the Loan of an hundred Pounds with a good Conſcience, becauſe the Statute doth after a ſort diſpenſe with it (becauſe it doth not puniſh ſuch taking.) For God will have his Decrees to be kept inviolable, who ſaith, Lend, looking for nothing thereby, &c. by which words is excluded either the taking of vi. l. v. l. yea, or one Penny above the Principal. But rather let ſuch think, that Statute was made upon like Cauſe that moved Moſes to give a Bill of Divorce to the Iſraelites, as namely to avoid a greater Miſchief, and for the Hardneſs of their Hearts.

And

And the Statute of 21 Jac. cap. 17. hath expreſly ordained, That no word in that Law ſhall be conſtrued or expounded to allow the Practice of Uſury in point of Religion or Conſcience.

By the Statute of 13 Eliz. c. 8. the Loan of Money was at 10 l. per Cent. by 21 Jac. cap. 17. at 8 l. per Cent. by 12 Car. 2 c. 17. 6 l. per Cent. and by 12 Annæ Seſſ. 2. c. 16. it is reduced to 5 l. per Cent.

Utlary.

UTlary is, when an Exigent goes forth againſt any Man, to appear in any Court to make Anſwer to any Action or Indictment, and Proclamation made in five Counties; then if the Defendant appear not, the Coroner ſhall give Judgment that he ſhall be out of the Protection of the King, and out of the Aid of the Law.

By ſuch an Utlary in Actions Perſonal, the Party outlawed ſhall forfeit all his Goods and Chattels to the King.

And by an Utlary in Felony, he ſhall forfeit as well all his Lands and Tenements that he hath in Fee-ſimple, or for Term of his Life, as his Goods and Chattels.

Alſo though a Man be outlawed, yet if any Error or Diſcontinuance be in the Suit of the Proceſs, the Party ſhall have advantage thereof, and for ſuch Cauſe the Utlary ſhall be reverſed and annulled.

If the Party Defendant be ober the Sea at the time of the Utlary pronounced, that is a good cauſe of Reverſal.

If an Exigent be awarded againſt a Man in one County where he dwells not, yet an Exigent with Proclamation ſhall go

Et le Statute de 21 *Jac. c.* 17. ad Ordeine expreſſement, que nul parol en ceſt Ley ſerra conſtrue ou expound pur allower le practice del Uſurie en point de Religion ou Conſcience.

Per le Statute de 13 *Eliz. c.* 8. le Loan de Monie fuit 10 *l. per Cent.* per 21 *Jac. c.* 17. 8 *l. per Cent.* per 12 *Car.* 2. *c.* 17. 6 *l. per Cent.* & per 12 *Annæ Seſſ* 2. *c.* 36. ceo eſt reduce al 5 *l. per Cent.*

Utlary.

UTlary eſt, quant un *Exigent* iſſiuſt vers aſcun home, de appearer en aſcun Court de faire Reſpons al aſcun Action ou Indictment, & Proclamation fait en cinque Counties; ſi le Defendant ne appeare, donques le Coroner donera Judgment que il ſerra hors de protection de Roy, & hors del aide le Ley.

Per tiel *Utlary* en Actions perſonels, le partie utlage forfeitera touts ſes Biens & Chateux al Roy.

Et per *Utlary* en Felonie, il forfeitera auxybien touts ſes Terres & Tenements que il ad en Fee-ſimple, ou pur terme de ſa vie, come ſes Biens & Chateux.

Auxy meſque un home ſoit utlage, uncore ſi aſcun Diſcontinuance ou Errour ſoit en la Suit del Proces, le partie de ceo avera le advantage, & pur tiel cauſe le Utlagarie ſerra reverſe & adnulle.

Si le partie defendant ſoit ouſter la Mer al temps del Utlagarie pronounce, ceo eſt bone cauſe de Reverſal.

Si un Exigent ſoit agard vers un home en un Countie lou il ne demurre pas, uncore un Exigent ove Proclamation

iſſera al Countie lou il demurre; ou auterment ſil ſoit ſur ceo utlage, *Utlagarie* poit eſtre reverſe, come appiert per le Statute fait *An.* 6 & 4 *H.* 8. *c* 4.

Auxy ſi un ſoit utlage en Action perſonal al Suit d'un auter, & puis il purchaſe ſon Charter de Pardon de Roy, tiel Charter ne ſerra jammes allowe, tanque il ad ſue un Brief de *Scire facias* de garner le partie Plaintiff; & ſil appeare, donques le Defendant reſpondera a luy, & luy barrera de ſa Action, ou auterment ſerra Agreement oveſque luy.

Utlaw.

UTlaw. Veies *Waive.*

Utlepe.

UTlepe ſignificat Eſcapium (hoc eſt *Evaſionem*) Latronum. *Fleta, lib.* 1. *cap.* 47.

Utrum.

UTrum eſt un Brief que giſt quant le Droit de aſcun Eſgliſe eſt aliene & tenus en Lay-fee, ou tranſlate en poſſeſſion d'auter Eſgliſe, & Alienor devie; donques ſon Succeſſor avera le dit Brief per que un Enqueſt ſerra charge de trier *Utrum ſit Libera eleemoſyna Eccleſiæ, vel Laicum feodum.*

Et nota, que nul que ad Covent ou Common ſcale poit mainteiner ceſt Brief, mes Brief de *Entre ſine aſſenſu Capituli*, d'Alienation fait per ſon Predeceſſor.

forth to the County where he dwells; or elſe if he be thereupon outlawed, the Utlary may be reverſed, as it appears by the Statute An 6. & 4 H. 8. c. 4.

And if a Man be outlawed in Action perſonal at the Suit of another, and after he purchaſe his Charter of Pardon of the King, ſuch Charter ſhall never be allowed, till he hath ſued a Writ of Scire facias to warn the Party Plaintiff; and if he appear, then the Defendant ſhall anſwer him, and bar him of his Action, or elſe make Agreement with him.

Utlaw.

UTlaw. See Waive.

Utlepe.

UTlepe ſignifies the Eſcape of Thieves. Fleta, lib. 1. cap 47.

Utrum.

UTrum is a Writ that lies when the Right of any Church is alienED and holden in Lay-fee, or tranſlated into the Poſſeſſion of any other Church, and the Alienor dies; then his Succeſſor ſhall have the ſaid Writ, whereof an Inqueſt ſhall be charged to try whether it be the Free Alms of the Church or Lay-fee,

And note well, that none that have Covent or Common Seal may maintain this Writ, but a Writ of Entre ſine aſſenſu Capituli, for the Alienation made by his Predeceſſor.

W. Wage.

W.

Wage.

WAge is the giving Security for the performing of any thing: As to wage Law, and to wage Deliverance, which see before in Gage. None wages Law against the King. Brook, tit. Chose en Action, num. 6. See Law.

Waif.

WAif is, when a Thief hath feloniously stolen Goods, and being nearly followed with Hue and Cry, or else overcharged with the Burthen or Trouble of the Goods, for his Ease sake and more speedy Travelling, without Hue and Cry, flies away, and leaves the Goods or any Part of them behind him, &c. then the King's Officer, or the Reeve or Bailiff to the Lord of the Manor, (within whose Jurisdiction or Circuit they were left) who by Prescription or Grant from the King hath the Franchise of Waif, may seise the Goods so waived to their Lords Use, who may keep them as his own proper Goods, except the Owner come with fresh Suit after the Felon, and sue an Appeal, or give in Evidence against him at his Arraignment upon the Indictment, and he be attainted thereof, &c. In which Cases the first Owner shall have Restitution of his Goods so stolen and waived.

W.

Wage.

W*Age* est le Donant securitie pur le performance de ascun chose: come a *gager Ley*, & a *gager Deliverance*, queux veies devant en *Gage*. Nul gagera Ley encounter le Roy. *Brook tit. Chose en Action, num. 6.* Veies *Ley*.

Waif.

W*Aife* est, quant un Laron ad feloniousment emblee Biens, & esteant neerment pursue ove Hue & Crie, ou auterment surcharge ove le burden ou trouble des Biens, pur son ease & plus speedie travaile, sans Hue & Crie, fua, & waiva les Biens ou ascun part d'eux arere luy, &c. donques l'Officer del Roy, ou le Reeve ou Bailiff al Seignior del Mannor, (deins que Jurisdiction ou Circuit ils fueront waife) que per Prescription ou Grant de Roy ad le Franchise de Waise, poyent seiser les Biens issint *Waife* al use de lour Seigniors, que poyent retaine eux come ses proper Biens, sinon que le Owner vient ovesque fresh Suit apres le Felon, & sue un Appeal, ou done en Evidence envers luy al son Arraignment sur l'Indictment, & il est attaint de ceo, *&c.* En queux cases le primer Owner avera Restitution de ses Biens issint emblee & waife.

Mes

Mes nient obſt' coment ad eſte dit, *Waiſe* eſt properment de Biens emblees, uncore Waiſe poit eſtre auxy de Biens nient emblees: Come ſi un home ſoit purſue oveſque Hue & Cry come un Felon, & il fue & relinquiſh ſes Biens demeſne, *&c.* ceux ſerra priſe come Biens *waiſe*, & forfeit come ſils ad eſte emblees.

Mes veies *Foxley's Caſe*, *Coke*, *l.* 4. *f.* 109. *b.* que ceux ne ſont bona *waviata*, ſed bona Fugitivorum, queux ne ſont forfeits tanque ſoit trove devant le Coroner, ou auterment de record, que il fua pur le Felonie.

And though, as hath been ſaid, Waif is properly of Goods ſtolen, yet it may be alſo of Goods not ſtollen: As if a Man be purſued with Hue and Cry as a Felon, and he flies and leaves his own Goods, &c. theſe ſhall be taken as Goods waved, and forfeit as if they had been ſtolen.

But ſee Foxley's Caſe, Coke, l. 4. f. 109. b. that theſe are not Goods waived, but Goods of Fugitives, which are not forfeited till it be found before the Coroner, or otherwiſe of Record, that he fled for the Felony.

Waive.

W*Aive* eſt un Feme que eſt Utlage, & el eſt appelle *Waive*, quaſi relicta a Lege, & nemy *Utlage*, come home eſt: car femes ne ſont jures en Leets al Roy, ne al Ley, come homes ſont, que pur ceo ſont deins le Ley; lou Femes ne ſont; & pur ceſt cauſe ils ne poyent eſtre dit *Utlage*, entant que ils ne unques fueront deins ceo. Veies *Fitz. N. B. fol.* 161~*A.*

Mes un home eſt dit *Utlage*, pur ceo que il fuit un foits jure a le Ley: Et a ore pur contempt il eſt mis hors del Ley, & dictus *utlagatus*, quaſi extra Legem poſitus.

Waive.

WAive is a Woman that is Outlawed; and ſhe is called Waive, as left out or forſaken of the Law, and not an Outlaw, as a Man is: For Women are not ſworn in Leets to the King, nor to the Law, as Men are, who therefore are within the Law; whereas Women are not, and for that Cauſe they cannot be ſaid Outlawed, inſomuch as they never were within it. See Fitz. N. B. fol. 161. A.

But a Man is called Utlaw, becauſe he was once ſworn to the Law: And now for Contempt he is put out of the Law, and is called Utlaw, as one ſhould ſay, without Benefit of the Law.

Wapentake.

W*Apentake* eſt tout un ove ceo que nous appellomus *Hundred*, come appiert per *Bract. l.* 3. *tract.* 2. *c.* 1. *num.* 1. *in fine.* *Lambard*, en ſon Explication de *Saxon* parols, verbo *Centuria*, dit, Que ceſt parol,

Wapentake.

WApentake is all one with that which we call an Hundred, as appears by Bract. lib. 3. tract. 2. cap. 1. num. 1. in the end. Lambard, in his Explication of Saxon Words, word Centuria, ſaith, That this Word Wapentake

take is more especially used at this Day in the Countries beyond the River Trent: And in the Laws of King Edward (by him set forth) num. 33. it is most plain in these words, And what the *English* term *Hundred*, the foresaid Counties call *Wapentake*.

The Statutes An. 3 H. 5. cap. 2. and An. 9 H. 6. cap. 10. and An. 15 H. 6. cap. 7. make mention of Stainciffe Wapentake, and Friendless Wapentake in Craven in the County of York. See Roger Hoveden, part. poster. Annal. fol. 346.

Warden.

WArden is of the same Signification with the French Gardein, and therefore of this see more in the Title Gardein: But it is the most usual Word in English, for him that hath the Custody and Charge of any Person or Thing by Office; as Wardens of the Fellowships in London, Anno 14 H. 8. cap. 2. Warden Courts, An. 31 H. 6. c. 3. Warden of the Marches, An. 4 H. 7. cap 8. Ferry Warden, An. 18 Eliz. c. 10 & An. 27. Eliz. c. 16. Wardens of the Peace, An. 2 Edw. 3. c. 3. Wardens of the West Marches, Camden Brit. p. 606. Warden of the Forest, Manwood, part 1. p. 111, 112. Warden of the Alnage, An. 18 H. 6. c. 16. Warden of the King's Armor in the Tower, An. 1 E. 4. c. 1. Chief Warden of the Forest, Manwood, part 1. pag. 42, 43. Warden of the King's Wardrobe, Anno 5 Hen. 3. Stat. 5. Wardens of the Tables of the King's Exchange, Anno 9 Ed. 3. Stat. 2. c. 7. and Anno 9 Hen. 5. Stat. 2. cap. 4. Warden of the Rolls of

Wapentake est plus especialment use a cest jour en les pays ouster le fluve de *Trent*: Et en les Leyes del Roy *Edw.* (per luy public) *num.* 33. il est fort plaine en ceux parols, Et *quod* Angli *vocant* Hundredum, *suprad' Comitat' vocant* Wapentakium.

Les Statutes *An.* 3. *H.* 5. *c.* 2. & *An.* 9 *H.* 6. *c.* 10. & *Anno* 15 H. 6. *c.* 7. sont mention de *Staincliffe Wapentake*, & *Friendless Wapentake* en *Craven* en le County de *Everwicke*. Veies *Roger Hoveden, part. poster. Annal. fol.* 346.

Warden.

W*Arden* est de mesme signification come est le parol *Francois Gardeine*, & pur ceo veies pluis en le Title *Gardein*: Mes il est le pluis usual parol in *Anglois*, pur luy que ad le Custodie ou charge de aseun person ou chose per Office; come *Wardens* de Fraternities en *Londres*, *Anno* 14 H. 8. *c.* 2. Warden Courts, *Anno* 31 *H.* 6. *c.* 3. Warden del Marches, *Anno* 4 H 7. *cap.* 8. Ferry Warden, *Anno* 18 *Eliz. c.* 10. & *Anno* 27 *Eliz. cap.* 26. Wardens del Peace, *Anno* 2 *Ed.* 3. *cap.* 3. Wardens del West Marches, *Camden Brit. pag.* 606. Warden del Forest, *Manwood, part* 1. *p.* 111, 112. Warden del Aulnage, *Anno* 18 *H.* 6. *cap.* 16. Warden del Armour le Roy en le Tower, *Anno* 1 *E.* 4. *c.* 1. Chiefe Warden del Forest, *Manwood, part* 1. *pag.* 42, 43. Warden del Wardrobe le Roy, *Anno* 5 *H.* 3 *Stat.* 5. Wardens des Tables del Exchange le Roy, *Anno* 9 *Ed.* 3. *Stat.* 2. *c.* 7. & *Anno* 9 *H.* 5 *Stat.* 2. *c.* 4. Wardens des Rolles del Chancery,

cery, *Anno* 1 E. 4. *cap.* 1 & 5. Wardens & Communaltie des Terres contributory ad *Rochester* Bridge, *Anno* 18 *Eliz. c.* 17. Et Wardens des Courts de Stannaries, 4 *Inſtit.* 230.

Wardmote.

W*Ardmote* eſt un terme mention en le Statute de 32 *H.* 8. *c.* 17. & ſignific un Court que eſt tenus en cheſcun Ward en *Londres*, & eſt uſualment appel *Wardmote Court*, ou le *Wardmote Inqueſt.*

Warrantie.

W*Arrantie.* Veies *Garrantie.*

Warrantia chartæ.

W*Arrantia chartæ* eſt un Brief que giſt pur ceſtuy que eſt infeoffe ove Garranty, & eſt apres implead en un Aſſiſe ou auter Action en que ne poit vouch; donques il avera ceſt Brief vers le Feoffor ou ſon Heir, pur compel eux de *garranter* le Terre a luy. Et veies de ceo *Fitz. N. B. fol.* 134. *D.* Veies *Garranty des Charters.*

Warrantia diei.

W*Arrantia diei* eſt un Brief que giſt en caſe lou home ad jour en aſcun Action ſue vers luy de appeare en proper perſon, & le Roy a ceſt jour ou devant luy maund en aſcun ſervice, iſſint que ne poit appeare al jour en Court; donques il poit aver ceſt Brief direct al Juſtices, que ils ne record luy deſtre en Default pur ſon non appearance. Et veies de ceo *Fitz. N. B. fol.* 17. *a.* & pur le forme del Brief veies *Glanville, lib.* 1. *cap.* 8.

the Chancery, Anno 1 Edw. 4. cap. 1 & 5. Wardens and Communalty of Lands contributory to Rocheſter Bridge, Anno 18. Eliz. cap. 27. and Wardens of the Stannary Courts, 4 Inſt. 230.

Wardmote.

WArdmote is a Term mentioned in the Stat. of 32 H. 8. c. 17. and ſignifies a Court that is kept in every Ward in London, and is uſually called the Wardmote-Court, or the Wardmote-Inqueſt.

Warranty.

WArranty. See Garranty.

Warrantia chartæ.

WArrantia chartæ is a Writ that lies for him that is infeoffed with Warranty, and is afterward impleaded in an Aſſiſe or other Action in which he cannot vouch; then he may have this Writ againſt the Feoffor or his Heir, to compel them to warrant the Land unto him. And ſee of this Fitz N. B. f. 134. D. See Garranty of Charters.

Warrantia diei.

WArrantia diei is a Writ that lies in Caſe where a Man hath a Day in any Action ſued againſt him to appear in proper Perſon, and the King at that Day or before imploys him in ſome Service, ſo that he cannot appear at the Day in Court; then he may have this Writ directed to the Juſtices, that they ſhall not record him to be in Default for his not appearing. And ſee of this Fitz. N. B fol. 17. A. and for the Form of the Writ ſee Glanvile, lib. 1. cap 8.

Warren.

Warren.

WArren is a Place priviledged by Preſcription or Grant of the King, for the Preſervation of Hares, Conies, Partridges and Pheaſants, or any of them.

Warwit.

WArwit (or Wardwit, as ſome Copies have it) is to be quit of giving Money for keeping of Wards.

Waſte.

WAſte is, where a Tenant for Term of Years, Tenant for Life, or Tenant for Term of another's Life, Tenant in Dower, or Tenant by the Courteſie, or Guardian in Chivalry, doth make Waſte or Deſtruction upon the Land, that is, to ſay, pulls down the Houſe, or cuts down Timber, or ſuffers the Houſe willingly to fall, or digs the Ground; then he in the Reverſion ſhall have a Writ for that Waſte, and ſhall recover the Place where the Waſte is done, and treble Damages.

And if a Man cut down Timber without Licence, and therewith repairs old Houſes, yet that is no Waſte. But if he with the Timber build a new Houſe, the cutting down of ſuch Timber is Waſte. Alſo the cutting down of Under-wood or Willows, which is no Timber, ſhall not be ſaid to be Waſte, unleſs they grow in the Sight or Shadow of the Houſe.

Waſte, by the Civil Law, is call'd Dilapidation, and for that the Executor of a Rector or Vicar are anſwerable in the Court Chriſtian.

Warren.

W*Arren* eſt un lieu privileged per Preſcription, ou Grant del Roy, pur le preſervation del Leverers, Cunicies, Perdices, & Phesants, ou aſcun de eux.

Warwit.

W*Arwit*, (ou *Wardwit*, come aſcun Copies ad ceo) eſt quietum eſſe de denariis dandis pro Wardis faciendis.

Waſt.

W*Aſt* eſt, lou Tenant a terme dans, Tenant de vie, ou Tenant pur terme de auter vie, Tenant en Dower, ou Tenant per le Curteſie, ou Gardein en Chivalry, fait Waſt ou deſtruction ſur la Terre, ceſtaſcavoir, ſil debruſa le Meaſon, ou coupe Meriſme, ou ſuffer le Meaſon voluntariment pur eſchier, ou foder la Terre; donques ceſtuy en le Reverſion avera un Brief pur ceſt Waſt, & recovera le lieu ou le Waſt fuit fait, & treble Dammages.

Et ſi home coupe Meriſme ſans Licence, & oveſque ceo repair les ancient Meaſons, uncore ceo c'eſt pas Waſt. Mes ſi il oveſque le Meriſme edifia un novel meaſon, le couper de tiel meriſme eſt Waſt. Auxy le couper de Subboys ou Willows, que neſt pas Meriſme, ne ſerra dit Waſt, ſinon que creſſont en le view ou ſcite del Meaſon.

Waſt per le Ley Civile eſt appel Dilapidation; & pur ceo le Executor d'un Rector ou Vicar ſont reſponſable en Court Chriſtian.

Eſt

Eſt auxi un Brief de Waſt, *permittendo Meſſuagium vel domum, &c. fore in decaſu & ruinoſum.* Co. Ent. 601.

There is alſo a Writ of Waſte, permittendo Meſſuagium vel Domum fore in decaſu & ruinoſum. *Co. Ent.* 601.

Wharf.

W*Harf* eſt un parol uſe en le Statute de 1 *Eliz. c.* 11. & auters Statutes, & eſt un Ample lieu procheine al Creek ou Hithe del eau, ſur que Biens & Wares ſont jects queux ſont deſtre eskipts & tranſports del un lieu al auter.

Wharf.

WHarf is a Word uſed in the Statute of 1 Eliz. cap. 11. and other Statutes, and is a broad Place near a Creek or Hithe of Water, upon which Goods and Wares are laid which are to be Ship'd and Tranſported from Place to Place.

Withernam.

W*Ithernam* eſt le Priſure ou chaſer dun Diſtreſſe a un Fortreſſe, ou hors del County, iſſint que le Viſcount ne poit ſur Replevin fair deliverance de ceo al partie diſtraine, en quel caſe un Brief de *Withernam* eſt direct al Viſcount pur le priſe de tants de ſes Avers que iſſint illoyalment diſtraine, ou tants de les Biens, en ſon cuſtody, jeſque il ad fait deliverance de le primer Diſtreſs. Auxy ſi les Avers ſont en un Fortlet ou Caſtle, le Viſcount puit prender ove luy le Power del County, & debruſer le Caſtle, come appiert per le Statute de *Weſtm.* 1. *cap.* 20. *Brit. cap.* 27.

Withernam.

WIthernam is the Taking or Driving of a Diſtreſs to a Hold, or out of the County, ſo that the Sheriff cannot upon Replevin make Delivery thereof to the Party diſtrained; in which caſe a Writ of Withernam is directed to the Sheriff for the taking of as many of his Beaſts that did thus unlawfully diſtrain, or as much Goods of his, into his keeping, until he hath made Deliverance of the firſt Diſtreſs. Alſo if the Beaſts be in a Fortlet or Caſtle, the Sheriff may take with him the Power of the County, and beat down the Caſtle, as appears by the Statute of Weſtm. 1. cap. 20. Brit. cap. 27.

Woodgeld.

W*Oodgeld* ſemble deſtre le Collection ou ſuccider de Boys deins le Foreſt, ou argent priſe pur meſme al uſe de Foreſters. Et le privilege de ceo per le Grant le Roy, eſt per *Crompt. fol.* 197. appel *Woodgeld.*

Woodgeld.

WOodgeld ſeems to be the Gathering or Cutting of Wood within the Forreſt, or Money paid for the ſame to the Foreſters. And the Immunity from this by the King's Grant is by Crompt. fol. 197. called Woodgeld.

Wood-

Woodmote.

WOodmote is the old Name of that Court of the Foreſt which is now, ſince the Statute of Charta de Foreſta, called the Court of Attachments, and by the Statute is held every forty Days; but was wont to be held at the Will of the chief Officers of the Foreſt, and at no certain time. See Manwood's Foreſt Laws, cap. 22. fol. 207. a.

Woodmote.

W*Oodmote* eſt le veil noſme de ceo Court del Foreſt que a ore, apres le Statute de *Charta de Foreſta*, eſt appel le *Court des Attachments*, & per ceo Statute eſt tenus cheſcun 40 jours; mes ſoloit deſtre tenus al volunt des chief Officers del Foreſt, & nemy al aſcun temps certain. Veies *Manwood's For. Leyſ, c. 22. fol. 207. a.*

Woolferthfod.

WOolferthfod is the condition of ſuch who were outlawed in the Saxons Time, for not ſubmitting themſelves to Juſtice: for if they could be taken alive, they ſhould be brought to the King; and if they in fear of Apprehenſion did defend themſelves, they might be ſlain, and their Heads brought to the King; for they carried a Wolf's Head, that is to ſay, their Head was no more to be accounted of than a Wolf's Head, being a Beaſt ſo hurtful to Man. See the Laws of King Edward by Lambard, fol. 127. num. 7. & Bract. lib. 3. tract. 2. cap. 21. This is written Wulveſheaved by Roger Hoveden, part. poſter. Annal. fol. 343.

Woolferthfod.

W*Oolferthfod* eſt le condition de tiel que fueront utlage en le temps del *Saxons* pur nient ſubmittant eux meſmes al Juſtice: car ſils poyent eſtre priſe en vife, ils ſerroient port al Roy; & ſils en pavor de apprehenſion eux meſmes defenderont, ils poient eſtre tue, & lour teſtes port al Roy; car ils porteront le *Teſte dun Woolf*, ceſt adire, lour Teſte ne fuit plus deſtre regard que le reſte d'un Woolf, que fuit un Beaſt cy tortious al home. Veies l'Leys de Roy *Edovart* per *Lamb. f. 127. nu. 7. & Bracton. lib. 3. tract. 2. c. 11.* Ceo eſt eſcrie *Vulveſheaved* per *Roger Hoveden, part. poſter. Annal. fol. 343.*

Wreck.

WReck, or Varech, (as the Normans, from whom it came, call it) is, where a Ship is periſhed on the Sea, and no Man eſcapes alive out of it, and the Ship or Part of it ſo periſhed, or the Goods of the Ship, come to the Land of any Lord, the Lord ſhall have that as a Wreck of the Sea. But if a Man, or a Dog, or a Cat, eſcape alive, ſo that the Party to whom the Goods belong, come

Wreck.

W*Reck*, ou *Varech*, (come les *Normans*, de que il vient, appellont ceo) eſt quant un Nieſe eſt periſh ſur le Mer, & nul home eſcape vive hors de ceo, & le Nief ou part del ceo iſſint periſh, ou les Biens del Nief, vient al terre de aſcun Seignior, le Seignior les avera come un *Wreck de la Mer*. Mes ſi un Home, ou un Chien, ou Chatte, eſcape vive, iſſint que le party a que le Biens

Biens ſont veigne dans l'an & jour, & prove les Biens deſtre ſes, il avera arere, per proviſion del Statute de *Weſtm.* 1. *cap.* 4. fait en les jours del Roy *Edw* 1. que en ceo followed le Decree de *H.* 1. devant que jours, ſi un Nief ad eſtre jeƈt ſur l'ſhore, torne ove Tempeſt, & nemy repaire per eux que eſcapont en vie deins un certain temps, donques ceo fuit priſe come *Wreck.*

within a Year and a Day, and prove the Goods to be his, he ſhall have them again, by Proviſion of the Statute of Weſtm. 1. cap. 4. made in King Edw. 1. Days, who therein followed the Decree of H. 1. before whoſe Days, if a Ship had been caſt on Shore, torn with Tempeſt, and were not repaired by ſuch as eſcaped alive within a certain Time, that then was taken for Wreck.

Y.

Tard-land.

YArdland (*Virgata terræ*) en aſcun Counties contein 20 Acres, en aſcun 24, & en aſcun 30 Acres de Terre.

Y.

Yard-land.

YArd-land (Virgata terræ) in ſome Counties contains 20 Acres, in ſome 24, and in ſome 30 Acres of Land.

FINIS.

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